

Department of Planning, Housing and Infrastructure

[dphi.nsw.gov.au](http://dphi.nsw.gov.au)



# Integrated Health Hub and Accommodation at 60-64 Showground Road, Gosford - Modification 1

Modification Assessment Report (DA 22/11444 Mod 1)

December 2024





# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

---

Published by NSW Department of Planning, Housing and Infrastructure  
[dphi.nsw.gov.au](http://dphi.nsw.gov.au)

Integrated Health Hub and Accommodation at 60-64 Showground Road,  
Gosford - Modification 1 (DA 22/11444 – MOD 1) Assessment Report

Published: December 2024

## Copyright and disclaimer

© State of New South Wales through Department of Planning, Housing and Infrastructure 2024. Information contained in this publication is based on knowledge and understanding at the time of writing, December 2024, and is subject to change. For more information, please visit [nsw.gov.au/copyright](http://nsw.gov.au/copyright).

# Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of Modification 1 of the Development Application for the Integrated Health Hub and Accommodation located at 60-64 Showground Road, Gosford lodged by Cornerstone Development Management Pty Ltd. The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the modification during the assessment process
- an assessment of the likely environmental, social and economic impacts of the modification
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether the consent should be modified and any conditions that should be imposed

# Contents

|   |           |
|---|-----------|
| <b>Preface.....</b>   | <b>i</b>  |
| <b>1 Introduction.....</b>                                    | <b>1</b>  |
| 1.1 The proposal.....   | 1         |
| 1.2 The Site.....   | 1         |
| 1.3 Relevant Planning History .....                           | 3         |
| <b>2 Proposed modification .....</b>                          | <b>4</b>  |
| 2.1 Modification overview.....                                | 4         |
| <b>3 Strategic context .....</b>                              | <b>6</b>  |
| 3.1 Key strategic issues .....                                | 6         |
| <b>4 Statutory context.....</b>                               | <b>9</b>  |
| 4.1 Scope of modification and assessment pathway .....        | 9         |
| 4.2 Mandatory matters for consideration .....                 | 10        |
| <b>5 Engagement.....</b>                                      | <b>13</b> |
| 5.1 Department’s engagement .....                             | 13        |
| <b>6 Assessment.....</b>                                      | <b>17</b> |
| 6.1 Design Excellence.....                                    | 17        |
| 6.2 Access, Internal Servicing, Parking and Road Network..... | 28        |
| 6.3 Flooding.....   | 36        |
| 6.4 Other issues.....   | 41        |
| <b>7 Evaluation.....</b>                                      | <b>43</b> |
| <b>8 Recommendation.....</b>                                  | <b>44</b> |
| <b>9 Determination .....</b>                                  | <b>45</b> |
| <b>Glossary.....</b>  | <b>46</b> |
| <b>Appendices.....</b>  | <b>47</b> |
| Appendix A – Summary of modifications.....                    | 47        |
| Appendix B – List of referenced documents.....                | 50        |



Appendix C – Submissions and government agency advice..... 50

Appendix D – Statutory considerations..... 50

Appendix E – Recommended instrument of modification..... 81

# 1 Introduction

## 1.1 The proposal

This report provides the NSW Department of Planning, Housing and Infrastructure (the Department's) assessment of an application to modify the Development (DA 22/11444) consent for the construction of a mixed use development consisting of health services facility, retail premises and residential care facility within a six-storey building with four levels of basement parking, demolition and associated works.

The modification application seeks to modify the consent to provide a mixed use development consisting of health services facility & retail premises within a five-storey building with three levels of basement including a radiation oncology tenancy and parking, demolition and associated works.

The application has been lodged on 9 July 2024 by Cornerstone Development Management Pty Ltd pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.2 The Site

The site is located at 60-64 Showground Road, Gosford. The site is legally described as Lots 1-4 SP 20095 and Lots 1-6 SP 20058. The site is bound to the north by Gosford Hospital multi-storey car park, to the west by medical consulting rooms within single storey residential dwellings, to the south by residential dwellings, and to the east by Showground Road, a car park and rail infrastructure. The surrounding land falls from the north-west to the south-east.

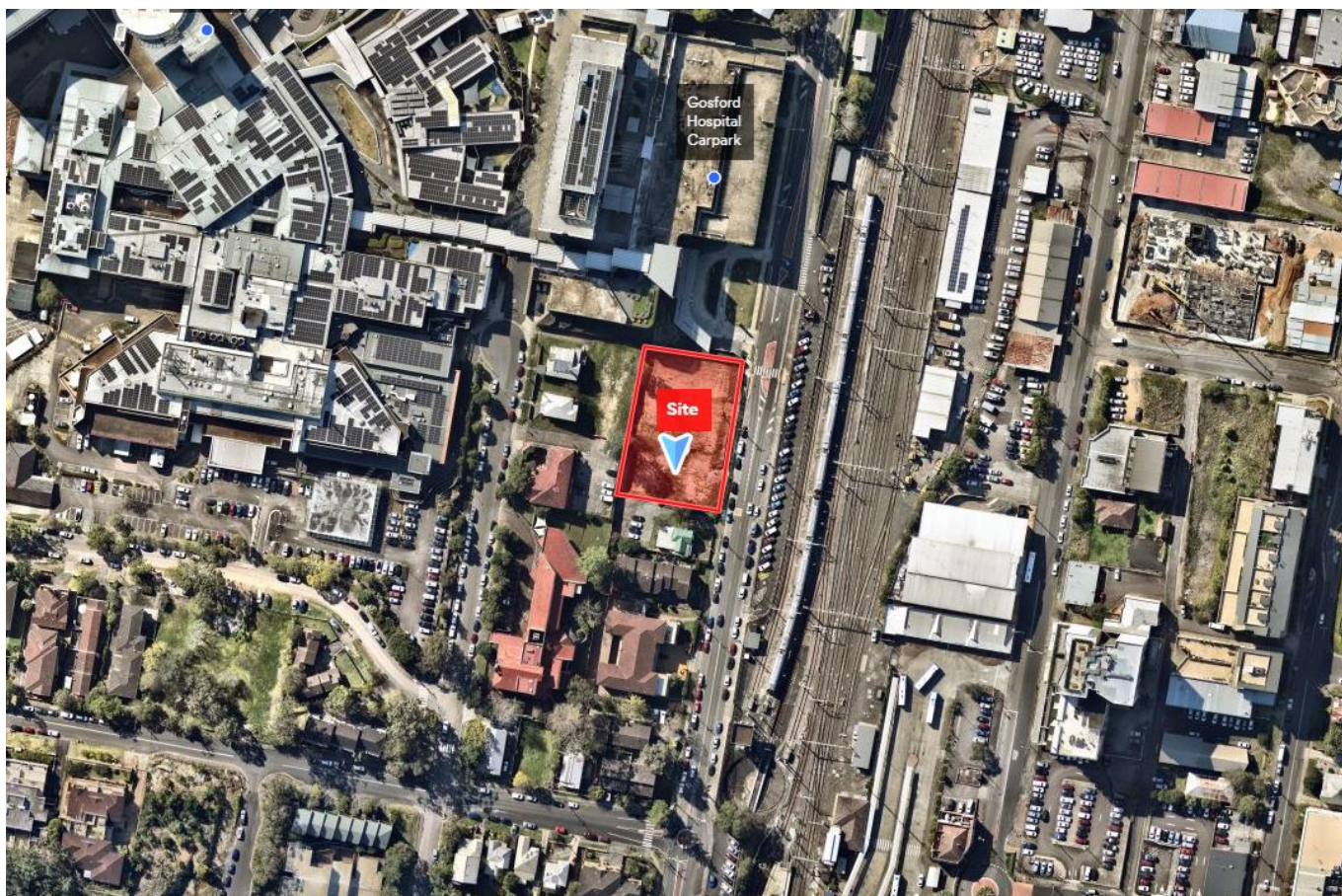
The locality is primarily characterised by the Gosford Hospital, associated health and medical related uses and residential apartments. Further to the north are the Gosford High School and Gosford Golf Club. The Central Coast & Newcastle railway line is located to the east of the site, and Gosford Train Station is located approximately 450m to the south. The site's local context is illustrated in Figure 1.



**Figure 1** | Regional context map

The subject site is rectangular in shape and covers an area of 2,437m<sup>2</sup>. The Showground Road frontage is 60.35m and provides vehicular access to the site. (Error! Reference source not found.).





**Figure 2 |** Local context map

The site is currently cleared. There are no state or local heritage items located on the site. The site falls by approximately 5.58m from the north-western corner at the rear of the property (RL 15.5) to the south-eastern corner at Showground Road frontage (RL 9.92).

## 1.3 Relevant Planning History

### 1.3.1 Approval history

On 24 May 2023, the Department of Planning and Environment granted development consent for DA22/11444 for the demolition of the existing single and two storey residential units on site and construction of a three basement levels and six storey mixed use building comprising ground floor retail premises, medical tenancies and independent living units. The development consent has not been modified on any previous occasions and no other modification applications are currently under assessment.

## 2 Proposed modification

The modification seeks consent for internal and external changes to the building including deleting a level of basement parking and one level of medical tenancies, provide an additional medical tenancy/treatment centre at Basement Level 3, reconfiguring the ground floor layout and internal service areas, and as a consequence, floor plates above to ensure the efficient future operation of the building and replacing the previously approved Specialist Disability Accommodation (SDA) on the top floor (now fourth floor) with medical tenancies.

### 2.1 Modification overview

The key aspects of the modification is provided are outlined in Table below.

**Table 1 |** Key aspects of the modification

| Project element                                  | Modified project  |
|--|---|
| <b>Building Construction</b>                     | Construction of a five storey mixed use building (previously six storeys) including: <ul style="list-style-type: none"><li>• Health services facilities (6650.83m<sup>2</sup> GFA)</li><li>• Retail premises (café) located on ground floor (102.52m<sup>2</sup> GFA)</li><li>• Basement Parking spaces across 3 levels and associated service areas at ground level (ambulance bay and MRV bay)</li><li>• Site works</li></ul> |
| <b>Site Area</b>                                 | 2,437m <sup>2</sup>   |
| <b>GFA, land use and floor space ratio (FSR)</b> | <ul style="list-style-type: none"><li>• GFA = 7596.2m<sup>2</sup> (previously approved at 8209.4m<sup>2</sup>)</li><li>• FSR = 3.11:1 (previously approved at 3.37:1)</li><li>• Revise Basement Level 3 to accommodate a medical tenancy</li><li>• Removal of residential component previously located on 5<sup>th</sup> storey</li></ul>   |
| <b>Building Cores</b>                            | <ul style="list-style-type: none"><li>• Revised location of building cores such as lifts and fire stairs and reconfiguration of floor plans throughout.</li></ul>   |



| Project element                             | Modified project  |                         |
|---|---|-------------------------|
| <b>Floor Levels/Land Use/Maximum Height</b> | <ul style="list-style-type: none"> <li>Removal of Basement Level 4</li> <li>Removal of 5<sup>th</sup> storey</li> <li>Modified RL's throughout</li> <li>Reduced Maximum building height from 22.9m to 21.52m (-1.38m)</li> <li>External Courtyard provided on the Fourth Floor</li> </ul> |                         |
| <b>Parking rates</b>                        | Approved  | Modified                |
|   | 216 car spaces  | 156 car spaces          |
|   | 6 Accessible car spaces   | 4 Accessible car spaces |
|   | 3 motorcycle bays   | 11 motorcycle bays      |
|   | 1 SDA drop off space  | 2 van spaces            |
|   | 2 van spaces  |                         |
|   | Total car spaces 225  | Total car spaces 162    |
|   | <ul style="list-style-type: none"> <li>Green Travel Plan submitted.</li> </ul>  |                         |
| <b>Materials and Finishes</b>               | <ul style="list-style-type: none"> <li>Minor Changes to external materials and finishes throughout.</li> </ul>  |                         |

A full list of modifications can be found in **Appendix A** at the end of this document.

## 3 Strategic context

### 3.1 Key strategic issues

The Department considers that the modified project is appropriate for the site as it is consistent with the strategies, plans and policies outlined in Table 2 below.

**Table 2 |** Summary of government strategies, plans and policies

| Strategy, plan or policy                | Status              | Comments   |
|---|---------------------|--|
| <b>Central Coast Regional Plan 2041</b> | Somewhat consistent | <p>The Central Coast Regional Plan 2041 (CCRP 2041) recognises that the Central Coast contains many different communities across various urban, rural and coastal contexts, each of which will see the 15-minute neighbourhood take a different shape. The provision of additional housing and medical services within the City North reinforces the 15-minute neighbourhood principles and delivers employment outcomes. Attracting investment, the co-location of a range of associated uses and providing new pedestrian linkages across the train line remains a challenge to connecting the redevelopment of hospital to the city centre.</p> <p>Gosford City Centre is the regional capital of a healthy, prosperous and connected Central Coast. It is the focus of professional, civic and health services. Gosford is a vibrant and diverse hub with employment opportunities, housing choice, health and education precincts, efficient public transport, events, restaurants, bushwalks and cycleways, shopping, culture and waterfront activities. The Government Architect NSW's Urban Design Framework provides the long-term vision for Gosford City Centre.</p> <p>DA22/11444 MOD 1 seeks to replace the approved specialist disability accommodation units with medical tenancies, fit-out and operate a Radiation Oncology clinic, and other changes.</p> <p>The proposed modification is somewhat consistent with the goals and objectives of the plan as it:</p> <ul style="list-style-type: none"><li>• provides additional medical services within the Gosford City Centre, in close proximity to jobs and services, reducing car dependency;</li><li>• supports infill development and the revitalisation of the Gosford City Centre.</li></ul> |

| Strategy, plan or policy                         | Status     | Comments   |
|--|------------|--|
| <b>Gosford Urban Design Framework</b>            | Consistent | <p>The Gosford Urban Design Framework (GUDF), prepared by the Government Architect NSW (GANSW), supports the ongoing revitalisation of Gosford into a regional capital with well-connected, well-designed and revitalised places containing attractive lifestyles, safe neighbourhoods and greener places.</p> <p>The GUDF locates the subject site within the City North area, which includes the hospital and health precinct adjacent to the west of the northern railway line.</p> <p>The proposed development is consistent with the GUDF key design principles for the City North as follows:</p> <ul style="list-style-type: none"> <li>• To improve pedestrian amenity along Showground Road, Etna Street and Faunce Street to connect the schools and hospitals into the station and centre of Gosford</li> <li>• 4.1 To provide for the opportunity for a diversity of building types and scales of spaces should be encouraged to create a varied grain and pedestrian scale environment along Mann Street</li> <li>• 4.2. To retain existing trees and plant new ones.</li> </ul>  |
| <b>Draft Somersby to Erina Corridor Strategy</b> | Consistent | <p>Council's Draft Somersby to Erina Corridor Strategy responds to the CCRP 2036 actions for the Southern Growth Corridor. Gosford is identified as one of six centres in the corridor connected by the Central Coast Highway, with Gosford noted as the Central Coast's regional city. The vision for Gosford is a premier waterfront city with medium to high density neighbourhoods, civic uses, education, health, retail, art and culture, and genuine housing choice.</p> <p>The site is located within Gosford City Centre, in the City North health precinct, and will support the delivery of the following actions:</p> <ul style="list-style-type: none"> <li>• Development of allied health facilities to support the growth of services and specialisation in the region</li> </ul> <p>The proposal will establish medical services that are close to public transport. This will facilitate improved pedestrian connections, walkability, and public transport to and from the proposal. The proposal also provides specialist medical facilities which will strengthen the specialisation of health services in the region.</p> |

| Strategy, plan or policy                      | Status     | Comments   |
|---|------------|--|
| <b>Draft Central Coast Urban Spatial plan</b> | Consistent | <p>Council's Draft Urban Spatial Plan (Draft USP) responds to the CCRP 2036 and establishes how Council intends to manage sustainable growth across its LGA. The proposal is consistent with the Draft USP, as it:</p> <ul style="list-style-type: none"> <li>• Contributes towards improving the liveability and functioning of our existing centres and will provide further incentive for Gosford City Centre to grow and thrive</li> <li>• Assists with renewing Gosford City Centre as a place for people building upon the existing strengths and characteristics of the City Centre.</li> </ul> |

## 4 Statutory context

### 4.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought and are provided in Table 3 below.

**Table 3** | Permissibility and assessment pathway

| Consideration                | Description  |
|------------------------------|--|
| <b>Scope of modification</b> | <p><b>Other modification</b></p> <p>S4.55 of the <i>Environmental Planning and Assessment Act 1979</i> (the EP&amp;A Act) enables a consent authority to approve modifications to an existing development consent where there was originally minor error or the like (s4.55(1) of the EP&amp;A Act) or where the modification involves minimal environmental impact (s4.55(1A) of the EP&amp;A Act) or some other change (s4.55(2) of the EP&amp;A Act).</p> <p>The Department has reviewed the scope of the subject modification and considers that it can be characterised as an ‘other modification’ as it results in the footprint, setbacks and configuration being commensurate to what is already approved but will have a reduced bulk and scale due to its lower height and reduced overshadowing impacts. The modified proposal will continue to accommodate a multidisciplinary health hub including medical centre with ancillary ground floor retail and basement parking noting that the previously approved specialist disability accommodation is proposed to be removed. The proposed modifications are substantially contained within the approved building envelope. The Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&amp;A Act and does not call for a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&amp;A Act rather than requiring a new development application to be lodged.</p> |
| <b>Consent Authority</b>     | <p><b>Minister for Planning and Public Spaces</b></p> <p>The Minister continues to be the consent authority under section 4.5(a) of the EP&amp;A Act and has the capacity to modify the consent of the project.</p>  |



| Consideration         | Description   |
|-----------------------|---|
| <b>Decision-maker</b> | <p>Director, Regional Assessments</p> <p>Under the Minister's delegation dated 9 March 2022, the Director, Regional Assessments, may determine the application as:</p> <ul style="list-style-type: none"> <li>• No objection from Council was received</li> <li>• There are less than 15 public submissions</li> <li>• No reportable political donations were declared by the Applicant.</li> </ul> |

## 4.2 Mandatory matters for consideration

### 4.2.1 Matters of consideration required by the EP&A Act

In determining the modification, the consent authority must take into consideration the matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The Department's consideration of these matters is shown in Table 4 below.

**Table 4 |** Matters for consideration

| Matter for consideration (s4.15(1))                 | Department's assessment   |
|---|---|
| <b>(a)(i) any environmental planning instrument</b> | The Department considers that the scope of the modification does not alter the development's compliance with the requirements of an environmental planning instrument (EPI). The Department's consideration of the relevant EPIs is provided below, at Section 6 and Appendix D.                  |
| <b>(a)(ii) any proposed instrument</b>              | The Department considers that the scope of the modification does not alter the development's compliance with the requirements of any draft EPI.   |
| <b>(a)(iii) any development control plan (DCP)</b>  | The Department considers that the scope of the modification does not alter the development's compliance with requirements of the Gosford City Centre Development Control Plan 2018 (GDGP 2018). Consideration of the relevant controls of the DCP is provided below, at Section 6 and Appendix D. |

| Matter for consideration (s4.15(1))  | Department's assessment  |
|--|--|
| (a)(iia) any planning agreement  | Not applicable.  |
| (a)(iv) the regulations  | The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications and public participation procedures.  |
| (b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality | The modification report and Response to Submissions (RtS) adequately demonstrate that all likely impacts of the modification can be appropriately mitigated, subject to implementation of the existing, modified and additional conditions discussed in Section 5 and Section 6. |
| (c) the suitability of the site for the development  | The information provided adequately demonstrates that the site is suitable for the modified development, subject to additional conditions.   |
| (d) any submissions  | Consideration has been given to the submissions received during the exhibition period. See Section 5.  |
| (e) the public interest  | The proposal is considered to be in the public interest, subject to the imposition of conditions as discussed in Sections 5 and 6.   |

#### 4.2.2 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any EPI relevant to the proposal. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPI(s) that substantially govern the project and that have been taken into account in the assessment of the project.

The EPIs relevant to the proposal are:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Industry & Employment) 2021*
- *State Environmental Planning Policy (Precincts - Regional) 2021* (the Regional SEPP)
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The Department notes that *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (SEPP BASIX) was relevant to the approved development and its special disability accommodation, however the subject modification deletes the accommodation, and so SEPP BASIX is no longer relevant to the development.

The Department has undertaken a detailed assessment of these EPIs in **Appendix D** and is satisfied the application is consistent with the requirements of the EPIs.

The Department's assessment of the proposal against the development standards within the Regional SEPP, and in particular consideration of the criteria where the development standards may be exceeded, is set out in **Section 6** and **Appendix D**.

#### **4.2.3 Objects of the EP&A Act**

In determining whether or not to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development (ESD).

The Department is satisfied that the modified development is consistent with the objectives of the EP&A Act and the principles of ESD. Consideration of the objects of the EP&A Act and the principles of ESD is provided below at **Appendix D**.

# 5 Engagement

## 5.1 Department’s engagement

In accordance with the *Environmental Planning and Assessment Regulation 2021* (the EP&A Regulation) the Department publicly exhibited the modification application from 14 August 2024 to 27 August 2024 (14 days).

The Department also:

- made the documents publicly available on the NSW Planning Portal
- notified landowners in the vicinity of the site about the public exhibition
- notified each person who made a submission in relation to the original development application
- notified and invited comment from relevant government agencies and Central Coast Council.

### 5.1.1 Summary of advice received from government agencies

The Department received advice from 4 government agencies on the modification report.

A summary of the agency advice is provided below in Table 5. A link to the full copy of the advice is provided in 0.

**Table 5 | Summary of agency advice**

| Agency               | Concurrence Clause and SEPP                 | Advice summary  |
|----------------------|---|---|
| <b>Ausgrid</b>       | s2.48 of SEPP Transport and Infrastructure  | Ausgrid did not object to the modification noting that that they consented to the original development subject to conditions which will remain.   |
| <b>TfNSW</b>         | s2.122 of SEPP Transport and Infrastructure | TfNSW reviewed the information provided and raised no objection to or requirements for the proposed development as they considered that there will be no significant impact on the nearby classified (State) road network |
| <b>Sydney Trains</b> | s2.99 of SEPP Transport and Infrastructure  | Sydney Trains did not object to the modification application and has provided concurrence.  |

| Agency  | Concurrence Clause and SEPP | Advice summary   |
|---|-----------------------------|--|
| <b>City of Gosford Design Advisory Panel (CoGDAP)</b>         | N/A                         | CoGDAP reviewed the Design Comparison Report submitted with the proposal and noted that the modification did not warrant further review or advice. |
| <b>NSW Health Central Coast Local Health District (CCLHD)</b> | N/A                         | CCLHD provided no comment.   |

### 5.1.2 Summary of council submission

A summary of the issues raised by Central Coast Council is provided in Table 6 below.

**Table 6** | Summary of issues raised by council

| Issue                                     | Submission summary  |
|---|---|
| <b>Construction Waste Management Plan</b> | <ul style="list-style-type: none"> <li>The WMP does not include sufficient information on the construction stage of the development. The following information is to be provided: <ul style="list-style-type: none"> <li>The location, types and amounts of materials and waste that will be generated.</li> <li>Travel paths of materials and waste to be transferred within the site.</li> <li>Design and details of materials and waste storage and consolidation areas.</li> <li>Detail of any onsite reuse of materials.</li> <li>Design and details of collection point arrangements (including contractor and material destination).</li> <li>Vehicle access path for all collection vehicles</li> </ul> </li> </ul> |
| <b>Occupancy Waste management plan</b>    | <ul style="list-style-type: none"> <li>The waste management plan needs to cover the same key information as mentioned above for the ongoing / occupancy stage of the development.</li> </ul>  |



| Issue              | Submission summary  |
|--------------------|---|
|                    | <ul style="list-style-type: none"> <li>• The expected amount of waste likely to be generated</li> <li>• Waste generated by the proposed Cafe on the ground floor.</li> <li>• Information is required on how waste will get from each floor to the proposed waste storage room, including how waste gets from the 3<sup>rd</sup> basement level up to the storage room</li> <li>• Waste storage room should be large enough to accommodate all the required bins of the development plus an additional 70% of space to allow for bin movement within the storage area.</li> <li>• Sufficient space around the collection vehicle must be allowed within the collection or service zone to allow the collection operatives to safely manoeuvre and empty bins.</li> <li>• Potential conflict between the proposed MRV bay next to the ambulance bay Access to and from the collection point should not be restricted and clear of obstructions or potential hazards.</li> </ul> |
| <b>Engineering</b> | <ul style="list-style-type: none"> <li>• The revised stormwater plans (Rev C) and traffic assessment documentation forms part of the modified application. Condition A2 will require modification to include/reflect these new documents.</li> <li>• The proposed changes do not alter the approved location of the vehicle access crossing in Showground Road.</li> <li>• Council has not assessed stormwater, access, parking and servicing arrangements.</li> </ul>  |

### 5.1.3 Response to submissions

Following the public exhibition period, the Department asked the Applicant to respond to the issues raised in submission from Council. The Applicant provided a Response to Submissions report (RtS) to the Department on 10 September 2024 (see **Appendix B**).

The Department forwarded the additional material to Central Coast Council who subsequently responded on 23 September 2024 advising the Department of some concerns regarding bin store and lack of HRV access. These aspects are discussed further in **section 6** of this report.

### 5.1.4 Summary of public submissions

The Department received did not receive any submissions during the public exhibition period of the modification.

### 5.1.5 Summary of issues raised outside of the exhibition process

Following Council's advice that Council would not consider stormwater, access, parking and servicing arrangements, the Department referred the application to its Engineers. Comments provided by the Department's Engineers is provided in Table 7 below:

**Table 7 | Summary of Engineer's advice**

| Issue                                      | Advice  |
|--|---|
| <b>Parking</b>                             | <p><i>The proponent has provided explanation of the proposed reduction in parking space numbers. The proponent has also provided explanation of the consequences of less parking and has cited the fact that the site is well served by rail &amp; bus transport, which intuitively would indicate that having less parking than that strictly required maybe acceptable. The proponent has also included a site specific Green travel Plan, for which they are commended.</i></p> <p><i>The proponent contends that while not strictly adhering to "codified" parking requirements the site is expected to be self sufficient in terms of parking. The explanation of the parking requirements are all plausible and I have not identified any glaring flaws in the explanations provided.</i></p> |
| <b>Flooding/Basement 3 medical tenancy</b> | <p><i>It is proposed to have a radiology treatment bunker in Basement 3. This has changed the basement carpark function into a patient treatment area. The basement entry level is below the PMF level. The proponent has previously cited that the fact that commercial areas are above the 1 in 100 yr level that this is an acceptable situation. The Modification now has a patient treatment level well below the design flood level.</i></p> <p><i>The consequences of having a patient treatment level in the basement needs to be further considered. I cannot support the modification until the consequences of having a radiology treatment level in a potentially flooding basement is further investigated.</i></p>  |

During the assessment, the Applicant responded to several requests for further information (RFI) from the Department, such as in relation to clarification of the flood affectation of the site (Appendix B). Flooding is discussed within Section 6 of this report.

## 6 Assessment

The Department has considered the application's modification report, the issues raised by public authorities, the Applicant's response to the Request for Information (RFI) and additional information in its assessment of the development. The Department considers the key assessment issues to be:

- Design Excellence
- Access, internal servicing, parking and road network
- Flooding

Each of these issues is discussed in the following sections of the report. Other issues taken into consideration during the assessment are discussed in **Table 11**.

### 6.1 Design Excellence

Clause 5.45 of *State Environmental Planning Policy (Precincts-Regional) 2021* (Regional SEPP) seeks to ensure that development within the Gosford City Centre exhibits design excellence and contributes to the natural, cultural, visual and built character values of city centre. Clause 5.45 applies to development involving the erection of a new building, or external alterations to an existing building, and therefore the Regional SEPP design excellence provisions apply to the site and have been considered in this section and **Appendix D**.

In considering whether a development exhibits design excellence, the Department has considered the following matters (in the sections below and in **Appendix B**):

- the attainment of a high standard of architectural design, materials and detailing
- form and external appearance and quality and amenity of the public domain
- impact on solar access to identified open spaces, vistas and view corridors
- how the development addresses land use and streetscape, built form relationship (on and off site), bulk, massing and modulation of buildings, heights, environmental impacts, ESD, pedestrian, cycle, vehicular and service access, circulation, public domain and site suitability.

#### Originally approved development (DA22/11444)

The original application was subject to an extensive design review process.

Prior to lodgement of the original application, the proposal underwent pre-lodgement design review by the City of Gosford Design Advisory Panel (CoGDAP) as follows:

- 13 October 2021 Design Reference Group Workshop 1

- 08 December 2021 Design Reference Group Workshop 2
- 16 February 2022 CoGDAP meeting

At the 16 February 2022 CoGDAP meeting, the Panel advised the proposal should proceed to lodgement. The Panel determined the proposal was designed to provide a development integrated within the surrounding context, that incorporates good design principles and that will positively contribute to the existing local character.

The proposal was referred to the CoGDAP for advice, as the proposal sought to utilise the provisions under section 5.46(3) of the Regional SEPP to exceed the mapped building height applying to the land.

The Panel was unanimous in forming the opinion that the development exhibits Design Excellence and commended the Applicant for their commitment and responsiveness to the design review process. The Panel outlined that the proposed scale, built form, use of materials and landscaping will positively contribute to the existing local character and the Hospital Precinct located in the City North.

Following an extensive design review process, the Department was satisfied that the originally approved development exhibited design excellence in accordance with Clause 5.46 of the Regional SEPP and the proposal would result in a high standard of architectural design, materials and detailing appropriate to the building type and location.

#### **Current Modification (DA22/11444 MOD 1)**

The modification seeks approval for a five-storey building to be used as a multi-disciplinary health hub, including medical centre with ancillary ground floor retail and basement parking.

Similarly to the originally approved design, the eastern elevation (Showground Road) has been broken in to three parts and transitions from solid to transparent to indirect transparency materiality (Figure 3 below).



**Figure 3 | Artist's impression of the proposal (Street frontage)**

The building is designed to front Showground Road with vehicular access on the southern side of the site aligned to the solid section of the elevation. Pedestrian access/entry is located centrally within the site aligned with the transparent section of the elevation. A ground floor 'verandah' allows connections, weather protection and access to the Showground Road tenancies.

The Applicant describes the built form as rectangular with articulation on both the southern & northern elevations (Figure 4 below).



**Figure 4 | Artist's impression of south-eastern corner (left) and north-eastern corner (right)**



The proposal provides internal amenity and a quality outlook to the north, east & south and provides improved pedestrian connectivity. The proposed modifications include minor alterations to the approved materials and finishes with Applicant reasoning below, as follows:

- (CLD-01) Axon Fibre cement cladding > (ETC) Exotec Compressed Fibre cement cladding
  - Axon is a residential cladding and is unsuitable for commercial purposes.
  - Exotec is a commonly used CFC cladding system used in the commercial construction.
  - Original cladding is finished with 2 varying paint colours. The proposed scheme now shows 3 varying paint colour to further create visual interest to the Northern, Southern & Western facades.
- (BRK-02) White Bricks > (REN-01) White Rendered Blockwork
  - Changes due to constructability – these white bricks services mainly the level 1 planters. Waterproofing planters is easier with Blockwork.
- (FC-01) FC Cladding – Paint Finish
  - The North-East building frame has been changed from concrete to lightweight frame with FC cladding to allow ease of construction.

The proposed modifications to materials and finishes are supported and are considered to be commensurate with the originally approved development.

The modification application was referred to the CoGDAP who reviewed the submitted material and noted that the modification did not warrant further review or advice.

Based on the above, including CoGDAP's ongoing involvement in the proposal since the development's inception, and consideration of the matters under Clause 5.45, the Department is satisfied that the modification application will continue to exhibit design excellence in accordance with the Regional SEPP as:

- the development will continue to result in a high standard of architectural design, materials and detailing
- the built form and external appearance of the development will improve the quality and amenity of the public domain
- the reduced number of storeys will lessen overshadowing and impact on surrounding vistas and view corridors
- the land is suitable for the development and the proposed uses including medical centre and commercial premises are permitted with consent

- the development continues to provide a suitable built form relationship to surrounding existing and approved developments
- the development continues to include suitable bulk, massing and modulation of buildings
- the development does not result in adverse impacts on surrounding properties.

### Height Variation

Clause 5.25 of the Regional SEPP relates to the maximum height of buildings. The site is identified on the Height of Buildings Map as having a maximum permissible building height of 18 metres.

### Originally Approved Development (DA11 11444)

The originally approved development had a maximum height of 22.9m for the roof of the pergola towards the southern end of the building and as such exceeded the maximum building height by 4.9m resulting in a variation to the standard by approximately 27.6%. The maximum AHD height of the approved building was RL 35.474.

The height variation was approved under Clause 5.46 of Chapter 5 Gosford City Centre of the Regional SEPP which allows consent to be granted for a development that exceeds the maximum height where:

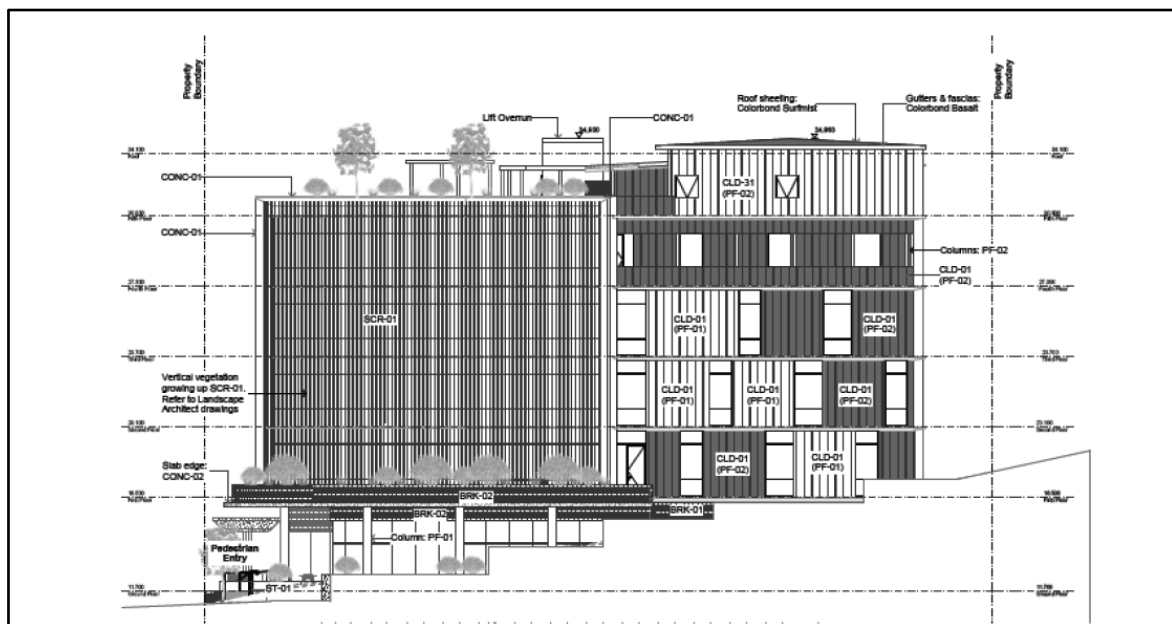
- The land is within Zone B4 mixed use;
- the site area of the development is at least 2,800 square metres but less than 5,600sqm, or the building will have a street frontage of at least 36m
- a design review panel reviews the development
- the consent authority takes into account the findings of the design review panel
- the consent authority is satisfied with the amount of floor space that will be provided for the purposes of commercial premises, and
- the consent authority is satisfied that the building meets or exceeds minimum building sustainability and environmental performance standards.

The original assessment noted that the proposal had undergone extensive design review pre- and post- lodgement of the application in accordance with Section 5.46 (3)(b) and ultimately it was determined that the proposal met the criteria to exceed the maximum height of buildings in accordance with the provisions of Section 5.46 (3).

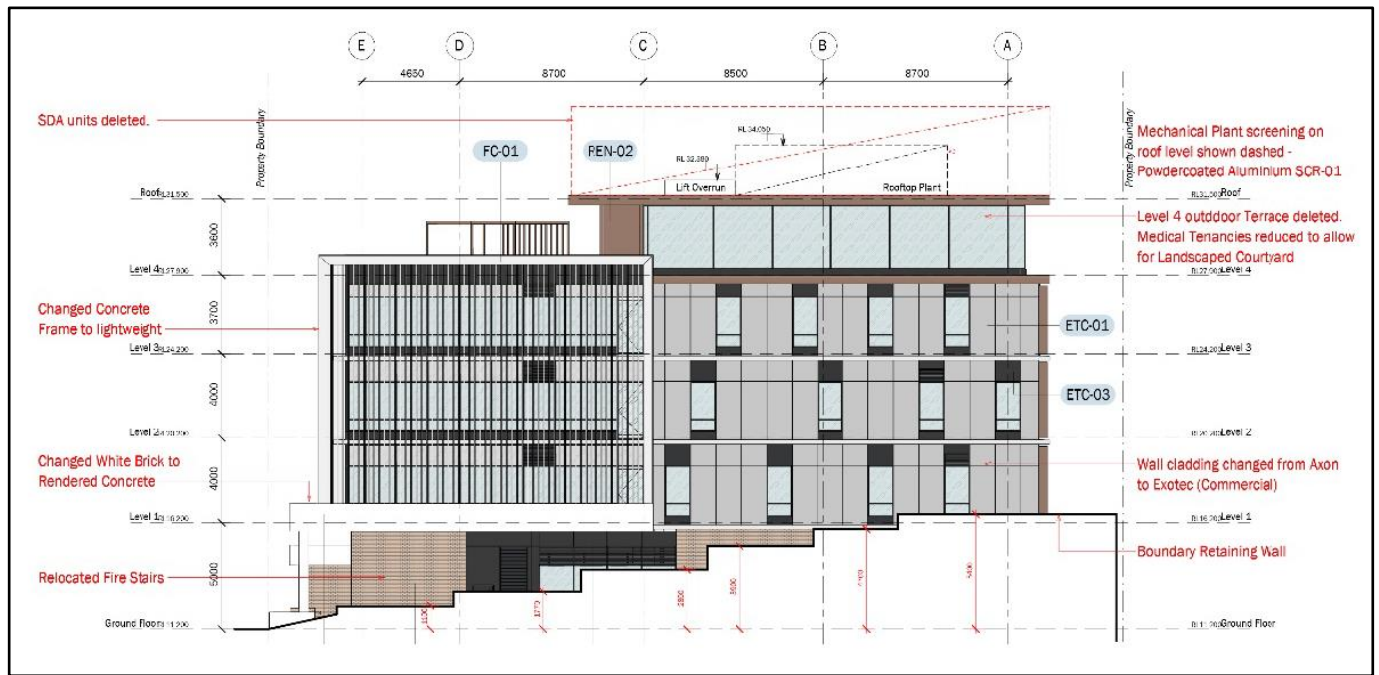
### Current Modification (DA22-11444 MOD 1)

The modification proposes a maximum AHD height of RL 34.050 (-1.424m) and has a maximum height of 21.52m (-1.38m) exceeding the maximum height by 3.52m or 19.6%. The Applicant provided a Design Comparison report and which included a comparison between the approved and modified built form and heights as shown in Figures 5 – 16.

- Figures 5 to 7 show the built form and envelope changes as viewed from the northern elevation between the original and proposed developments. Figure 7 shows both schemes overlaid onto each other. Of particular note is the significant bulk and height reduction as a result of removing the top floor.
- Figures 8 to 10 show the bulk and scale changes of the original and proposed developments as viewed from the streetscape. Figure 10 shows both schemes overlaid onto each other. Of particular note is the reduction in bulk and scale and minor increases to side setbacks.
- Figures 11 to 13 show the built form and envelope changes as viewed from the southern elevation between the original and proposed developments. Figure 13 shows both schemes overlaid onto each other. Of particular note is the significant bulk and height, roof form change from pitched to flat.
- Figures 14 to 16 show the built form and envelope changes as viewed from the western elevation between the original and proposed developments. Figure 16 shows both schemes overlaid onto each other. Of particular note is the significant bulk and height as well as changing to the glazing particularly to the top floor.



**Figure 5 | Northern Elevation (Approved)**

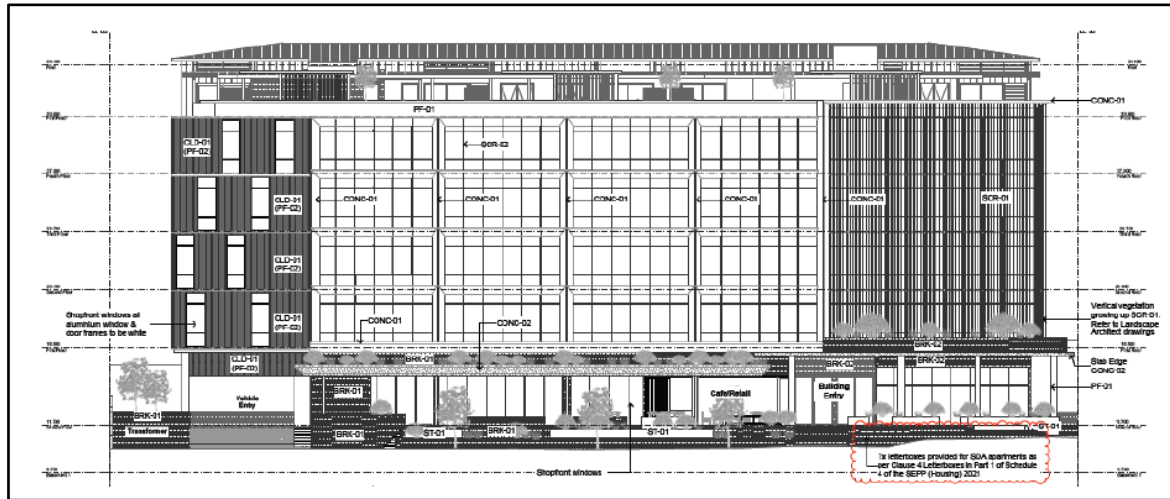


**Figure 6 | Northern Elevation (Modification)**

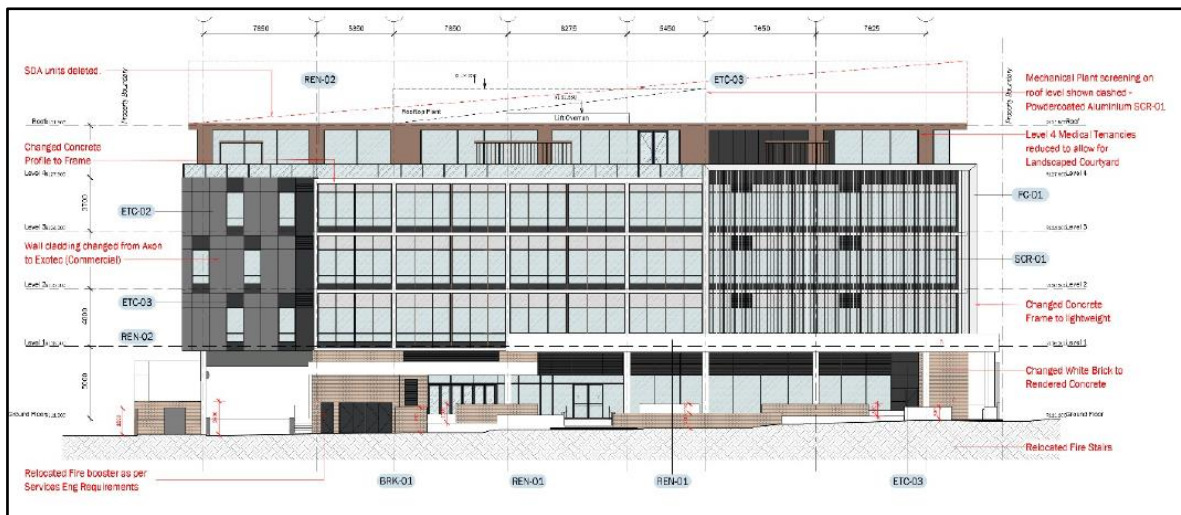


**Figure 7 | Northern Elevation (Modification overlaid on Approved)**

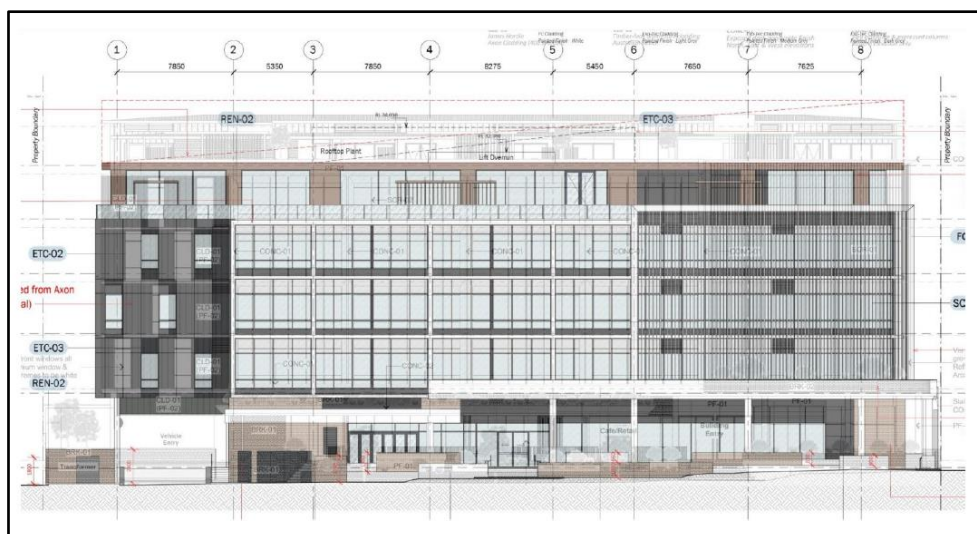




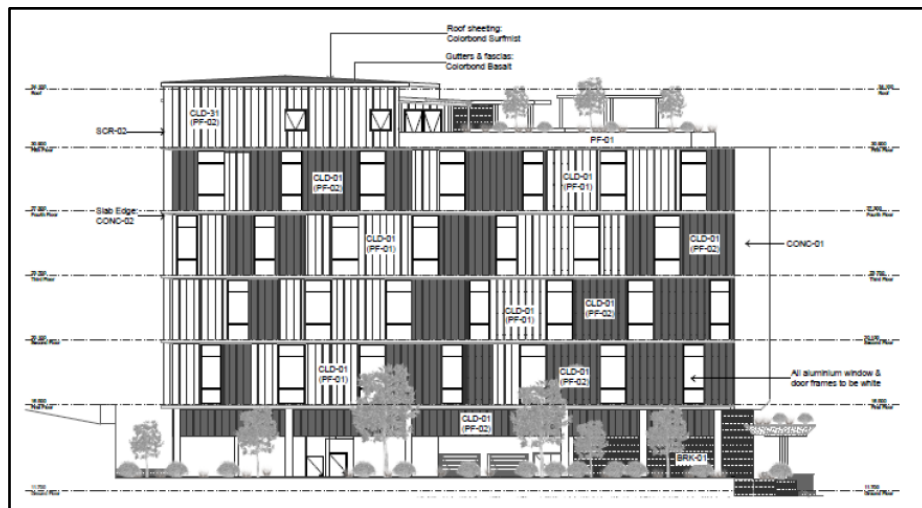
**Figure 8 | Eastern Elevation (Approved)**



**Figure 9 | Eastern Elevation (Modification)**



**Figure 10 | Eastern Elevation (Modification overlaid on Approved)**



**Figure 11 | Southern Elevation (Approved)**



**Figure 12 | Southern Elevation (Modification)**



**Figure 13 | Southern Elevation (Modification overlaid on Approved)**



**Figure 14 | Western Elevation (Approved)**



**Figure 15 | Western Elevation (Modification)**







## 6.2 Access, Internal Servicing, Parking and Road Network

Access and internal servicing are key considerations of the Department's assessment, ensuring that developments are designed to enhance the streetscape and building façade while providing safe access that minimises pedestrian and vehicular conflicts. The site is situated within a B4 - Mixed Use zone under the Regional SEPP and is located on the western side of Showground Road. The site is well serviced by public transport including both Gosford Train Station and bus services provided directly from the station. Showground Road is a local road in which Central Coast Council is the roads authority in accordance with Section 7 of the *Roads Act 1993*.

There are a number of residential flat buildings, multi-dwelling unit developments, medical and other commercial premises in close proximity to the proposal. As such, any development in this location needs to be well designed, well managed and address potential traffic impacts.

The modification application includes a Traffic Report which considers the existing, originally approved and modified vehicular and pedestrian conditions, provision of parking and potential traffic impacts on the surrounding area.

### 6.2.1 Access/Internal Servicing

The approved and proposed developments include vehicular access via a driveway at the south-eastern corner of the site from Showground Road. The driveway leads to basement car parking.

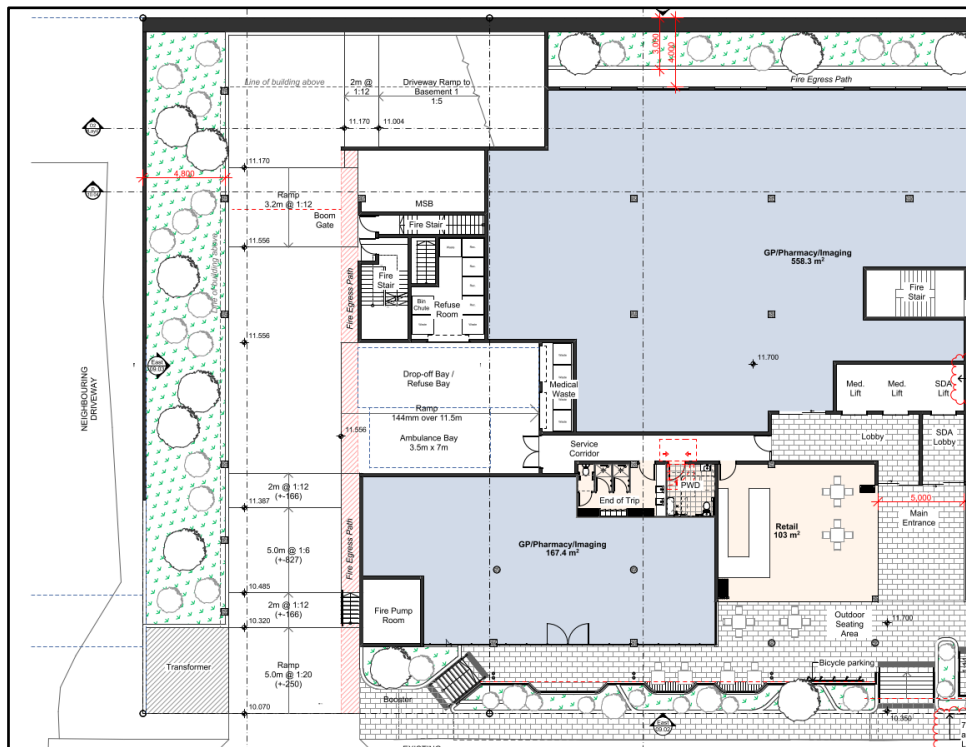
The approved vehicular access arrangements, comprising a 6.5m wide combined ingress/egress driveway connecting with Showground Road, has been slightly modified to a 6.1m wide combined ingress/egress driveway in the same location. The RL's of this access have been altered in accordance with level changes throughout the development.

Vehicle swept paths were submitted with the application that illustrate that passenger vehicles are able to enter and exit the site and providing appropriate clearances as shown in **Figure 17**.

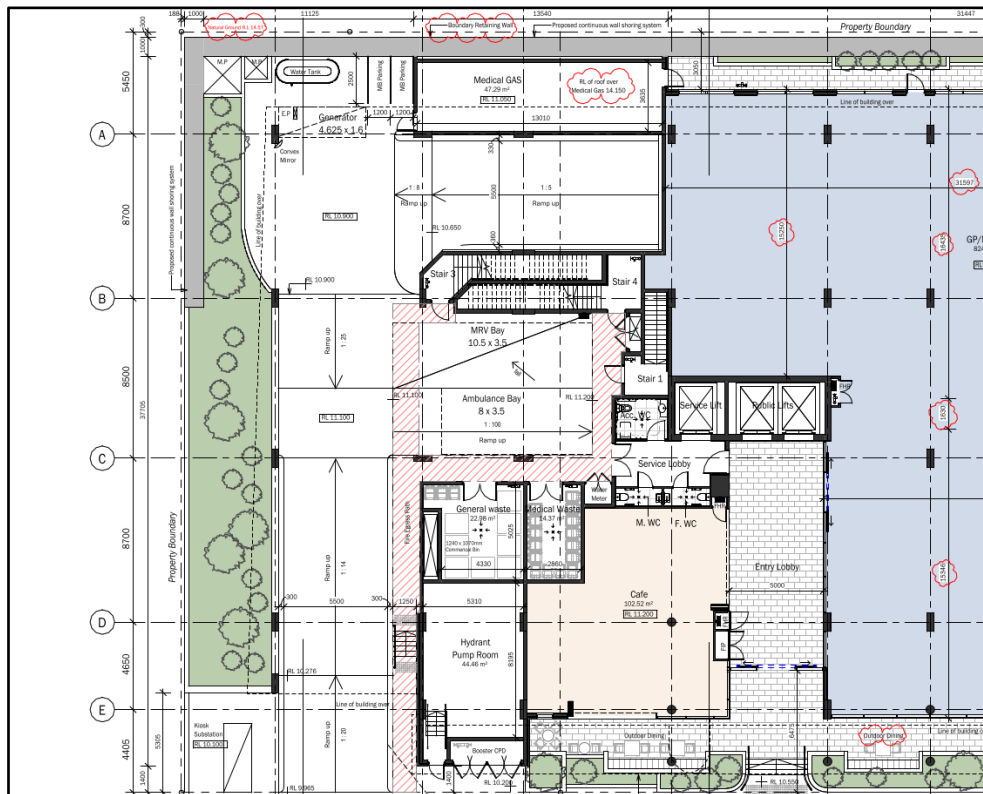


**Figure 17 | Swept Path car manoeuvring from Showground Road to Basement**

The maximum sized vehicle is not proposed to change from that approved, being Medium Rigid Vehicle's (MRVs) (8.8m length x 2.5m wide). In addition, the location of the servicing bays is generally consistent with the approved location as shown in Figure 18 and Figure 19.



**Figure 18 | Originally approved access and internal servicing**



**Figure 19 | Proposed modifications to access and internal servicing**

The Department referred the application to Central Coast Council who provided the following comments:

- 1) The bin storage room is too small for the number and size of bins that have been proposed,
- 2) HRV access or lack thereof, I understand the original approval was for MRV however council requires HRV access whether the site is serviced by council or a private contractor, given the size and nature of the proposal I'm sure HRV can be achieved, there is a site further up the road that has managed to provide for a HRV waste vehicle so I would expect this to be the same

DA22/11444 approved the provision of similar sized bin storage room but for a larger development with more demand for waste than the subject modification. The Waste Management Plan includes regular, frequent collection arrangements (by a private contractor) which addresses comments regarding the size of the room.

In addition, the Department considers that the MRV servicing is acceptable for the following reasons:

- The approved development and the proposed modification have included waste management plans nominating that the building is a commercial facility with private contractor for waste collection and therefore Council, who only have a HRV fleet, will not be undertaking waste collection.

- The traffic report prepared by Stanbury Traffic Planning for the subject application specifies that the largest vehicle to service the site is an MRV which is consistent with the original approval. Swept paths for MRVs have been provided that illustrate that MRV and ambulance servicing can occur independently of one another.
- The originally approved development provides a total loading dock width of 7.6m. The proposed plans provide for a total loading dock width of 8.5m, thereby exceeding the currently approved arrangements.
- The approved development provides for a 11.5m depth of loading bay. AS2890.2 specifies a minimum loading bay length of 12.5m for HRVs and 8.8m for MRVs. The proposed plans provide for a loading dock depth of 11.6m, thereby slightly exceeding the currently approved arrangements.

It is considered within this report that the modified site access and internal servicing arrangements will continue to be satisfactory for the development and are commensurate with the originally approved arrangement.

### 6.2.2 Car Parking Provision

Car parking is a key consideration of the Department's assessment as it has a direct impact on the overall functioning of the development as well as impacts to parking availability and the road network of the Gosford City Centre and surrounds.

The Regional SEPP includes car parking rates for new buildings in B4 mixed use zone, the Gosford City Centre Development Control Plan 2018 (the GDCP 2018) includes medical centre car parking rates for development within the Gosford City Centre, and the TfNSW Guide for Traffic Generating Development includes car parking rates for medical centres at regional sites. A comparison between the Regional SEPP, the GDCP 2018 and the TfNSW Guide and the proposed car parking rates is shown at Table 8 below.

**Table 8 | Parking Provision Comparison**

| Guideline   | Car Parking Requirement Modification  | Total Spaces Required  | Total Spaces Provided |
|---|---|--|-----------------------|
| <b>Regional SEPP</b>                                      | <p>(a) at least 1 car parking space is provided for every 75 square metres of the gross floor area of the building that is to be used for commercial activities<sup>1</sup>.</p> <p>(b) at least 1 car parking space is provided for every 40 square metres of the gross floor area of the building that is to be used for the purpose of retail premises</p> | <p>Total Commercial GFA = 6745.36m<sup>2</sup></p> <p><math>6745.36/75 = 89.93</math></p> <p><b>Required – 90 spaces</b></p> <p>Total Retail GFA = 102.52</p> <p><math>102.52/40 = 2.563</math></p> <p><b>Required – 3 Spaces</b></p> <p><b>Total Required = 93 car spaces</b></p> | 162 Spaces            |
| <b>GDCP 2018</b>  | <p><b>Health Consulting Rooms, Medical Centres</b></p> <p>3 spaces per surgery or consulting plus 1 space for each practitioner and other staff present at one time</p>   | <p><b>No. of surgery or consulting rooms = Unknown</b></p> <p><b>No. of practitioners = Unknown</b></p> <p>Total Retail area – 102.52sqm</p> <p><b>Required spaces for retail = 2.5 spaces</b></p>   |                       |
| <b>TfNSW Guide</b>  | <p><b>Medical Centres – Regional Sites</b></p> <p>4.25 parking spaces per 100sqm</p>  | <p><math>6642.84/100 \times 4.25 = 282.32</math></p> <p><b>Required Spaces = 282</b></p>   |                       |
| <b>Original Traffic Report<br/>(Modified TfNSW Guide)</b> | <p><b>Medical Centres similar Developments</b></p> <p><b>3.1 parking spaces per 100sqm</b></p>  | <p><b>Original Assessment</b></p> <p><math>6,978\text{m}^2/100 \times 3.1 = 217</math></p> <p><b>Modification</b></p> <p><math>6642.84\text{m}^2/100 \times 3.1 = 206</math> spaces</p> <p><b>Required Spaces = 206</b></p>  |                       |

<sup>1</sup> commercial activities, in relation to the use of the building, means the use of the building for the purposes of office premises, hotel or motel accommodation (but not hotel or motel accommodation that is subdivided under a strata scheme), food and drink premises or other like uses or a combination of such uses.

### Originally approved development (DA22-11444)

The approved development provided a total of 228 car parking spaces over 4 basement levels and included a condition of consent to ensure 8 spaces and 1 visitor space were allocated to the residential units and 220 spaces for the commercial and retail use. The traffic report in support of the Development Application provided detailed discussion on potential parking calculation methodology including reference to various parking rates applicable to the development as well as estimated rates for the future use of the building based on similar medical-type facilities across the State. It is noted that the Department ultimately supported the provision of parking based on compliance with the Regional SEPP rates for commercial activities within a B4 mixed use zone shown above.

### Current Modification (DA22-11444-MOD-1)

The modification application reduces the total number of parking spaces from 225 to 162 parking spaces across a reduced 3 basement levels.

The modification also proposes an increased provision of bicycle spaces from 11 to 48 and off-street motorcycle parking from 3 to 11 spaces.

The Applicant provided an updated Traffic Report that adopts a methodology commensurate with that of the Development Application whereby the parking demand is calculated through application of a parking rate of 3.1 parking spaces per 100m<sup>2</sup> of medical related tenancy floor space which results in the following:

$$6642.84\text{m}^2/100 \times 3.1 = 206 \text{ spaces}$$

The Applicant proposes a reduced GFA rate from the above noting that the proposed new radiation oncology tenancy situated within basement 3 which has a proposed GFA of 751.66m<sup>2</sup> would operate principally ancillary to the other medical tenancies and would primarily accommodate equipment with very few staff or visitors on a daily basis. It is noted that the Applicant has not nominated proposed staffing, floor area dedicated to equipment or indicative maximum occupancies.

In considering the above rationale provided by the Applicant the new parking requirement rate would result in the following:

$$5891.18\text{m}^2/100 \times 3.1 = (182.6) \text{ 183 spaces}$$

The addition of 3 spaces is also required for retail café component of the development (calculated at a rate of 1 space per 40m<sup>2</sup> which results in a total parking calculation of **186 parking spaces**.



The Regional SEPP, GDCP 2018, TfNSW Guide and originally approved parking rate each establish different car parking requirements.

The GDCP 2018 requires health consulting rooms and medical centres include car parking according to the number of consulting practices, practitioners and other staff. However, the modification application does not include the fit-out of the medical tenancies and, as such, number of consulting practices, practitioners and other staff is unknown and the Department is unable to determine the amount of parking required by the GDCP 2018 as shown in the table above.

The TfNSW Guide sets car parking requirements for medical tenancies whereas the Regional SEPP only sets car parking requirements for commercial activities generally. In these circumstances, the Department considers the TfNSW Guide to set the appropriate car parking standards for the proposed modified development. The TfNSW Guide requires the development include 262 spaces.

The proposal includes 162 spaces. The application describes that the proposed amount of car parking is adequate for the proposed number of occupants/visitors for the building and is appropriate as the site is close to public transport services.

In addition, to further support the above, a site-specific Green Travel Plan has been prepared and submitted with the modification application. The Green Travel Plan aims to encourage the use of alternative transport choices to single car use and encourage a shift towards public transport, car share, cycling and/or walking through the implementation of the various measures contained within the plan including:

- the implementation of development design initiatives such as the limiting of private car parking spaces, the provision of bicycle and motorcycle parking spaces and end of trip facilities in conjunction with clear and efficient internal pedestrian and cycle networks and signage
- the provision of clear information to staff/visitors of the site detailing the surrounding available sustainable transport infrastructure and encouraging the use of transport modes other than the private car, including:
  - bus stops destinations and frequencies
  - heavy rail stations
  - walking paths and bicycle routes
- the promotion of non-car travel through a number of recommended initiatives Transport Access Guide
- the promotion of an on-site parking management strategy
- mode Sharing targets to be monitored.

The development is expected to be self-sufficient in terms of car parking based on the above assessment.

Given the site's regional centre location and good public transport accessibility, the Green Travel Plan, and on the basis that the radiation oncology clinic will only be ancillary to the other tenancies in the building and will not generate trips independent of other tenancies, there is strong justification for the proposed provision of car parking rates below what is envisaged by the TfNSW Guide, and the Department is satisfied that adequate parking provision will be provided for the modified development subject to conditions requiring only permitting the basement tenancy to be used as a radiation oncology clinic.

The Department considers that:

- the decrease in provision of car parking spaces coinciding with the removal of the residential component of the application as well as a reduced total GFA used for medical tenancies is considered to be acceptable and is supported in this instance.
- the increase in provision of both motorcycle and bicycle spaces is considered to be an improvement from the originally approved scheme and will assist in alleviating any codified car parking demand.
- the proposal will continue to satisfy the parking requirements pursuant to the Regional SEPP rates for developments in a B4 – Mixed Use zone.

### 6.2.3 Road network

The proposed development involves a decrease in total medical tenancy GFA areas from 6,978m<sup>2</sup> to 5891.2m<sup>2</sup> which equates to a reduction of 1087m<sup>2</sup>. Similarly, the proposed development involves a decrease in retail GFA from 103m<sup>2</sup> to 102.52m<sup>2</sup>.

The Applicant submitted a Traffic Report prepared by Stanbury Traffic consultants dated 20 May 2024. The report indicates that the proposal would generate a reduction in traffic movements of approximately 15% in comparison to that which was previously approved. It is accordingly expected that the modified development will generate approximately 308 and 251 vehicle movements during the AM peak hour and PM peak hours respectively. In turn this represents a reduction of 55 AM peak hour trips and 45 PM peak hour trips compared to the approved development.

The application was referred to TfNSW who raised no objection to the proposed development subject to existing conditions being retained. Appropriate conditions having regard to the implementation of appropriate traffic management measures and internal arrangements and manoeuvring will be retained.

Existing conditions of consent require the internal circulation roads and parking layout to be designed in accordance with 2890.1 & 2890.2. The Department considers that the overall reduction



in traffic generation resulting from the proposed modifications will result in an improved traffic outcome than that which was originally approved and will not have unacceptable environmental impacts on the road network surrounding the site.

## 6.3 Flooding

Clause 5.40 of *State Environmental Planning Policy (Precincts-Regional) 2021* (Regional SEPP) seeks to ensure that development is compatible with the flood hazard of the land, is not likely to significantly adversely affect flood behaviour and the environment and incorporates appropriate measures to manage risk to life and property from flood.

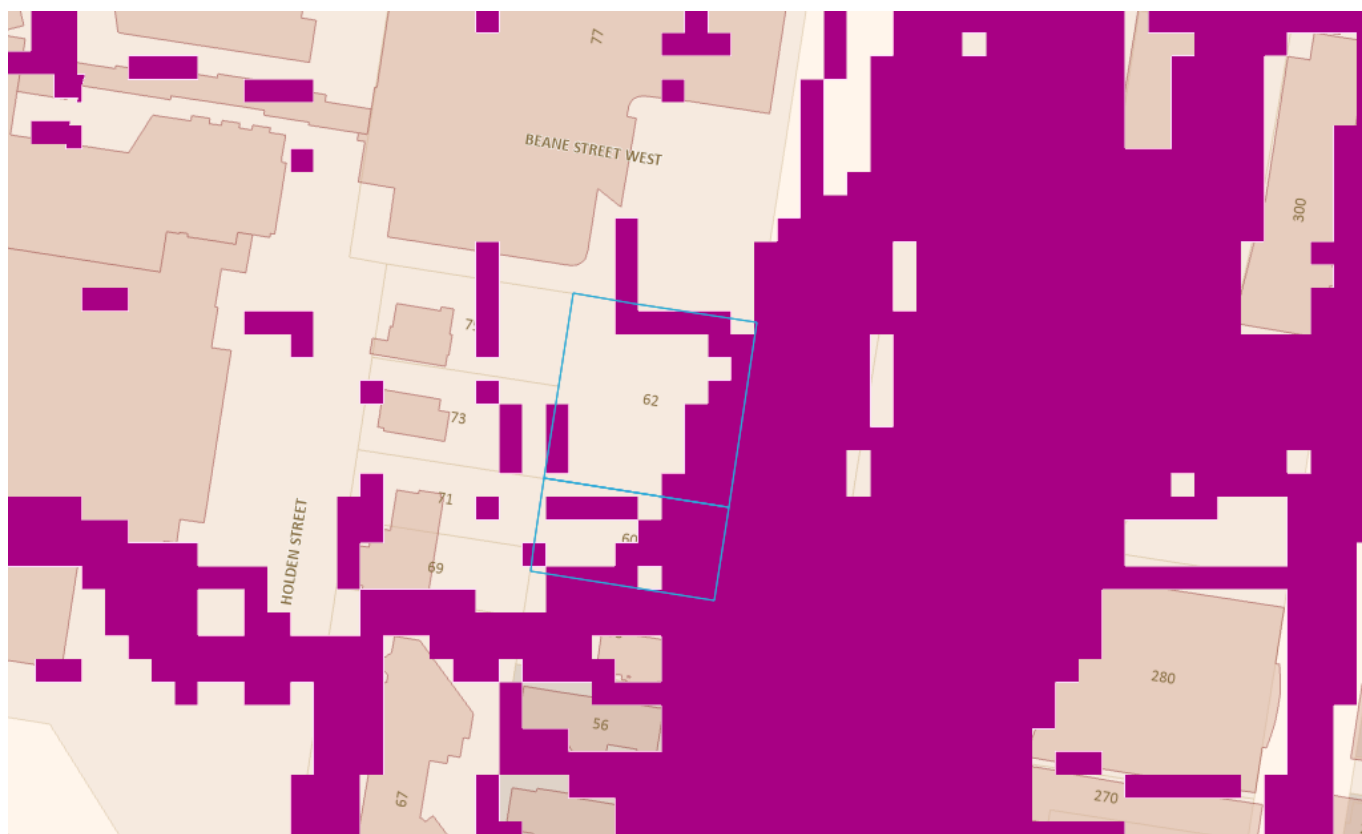
The GDCP 2018, which is intended to complement the provisions of the Regional SEPP, does not contain any objectives, controls or requirements relating flood planning. Whilst the Central Coast DCP 2022 (CCDCP 2022) does not strictly apply to the development, in that it does not apply to land within the Gosford City Centre, the CCDCP 2022 includes controls relating to flooding and, in the absence of other detailed planning controls (beyond those in the Regional SEPP) applying to the site, the CCDCP 2022 represents a useful guide to inform the assessments of the merits of the proposal specifically relating to flooding affectation. As such, the Department has considered the proposal against the relevant provision of Chapter 3.1 Floodplain Management and Water Cycle Management of CCDCP 2022 where guidance is required.

The Department's Flood risk management manual 2023 provides the following definitions which are relevant to the proposal (Table 9):

**Table 9 | Flooding Definitions relevant to proposal**

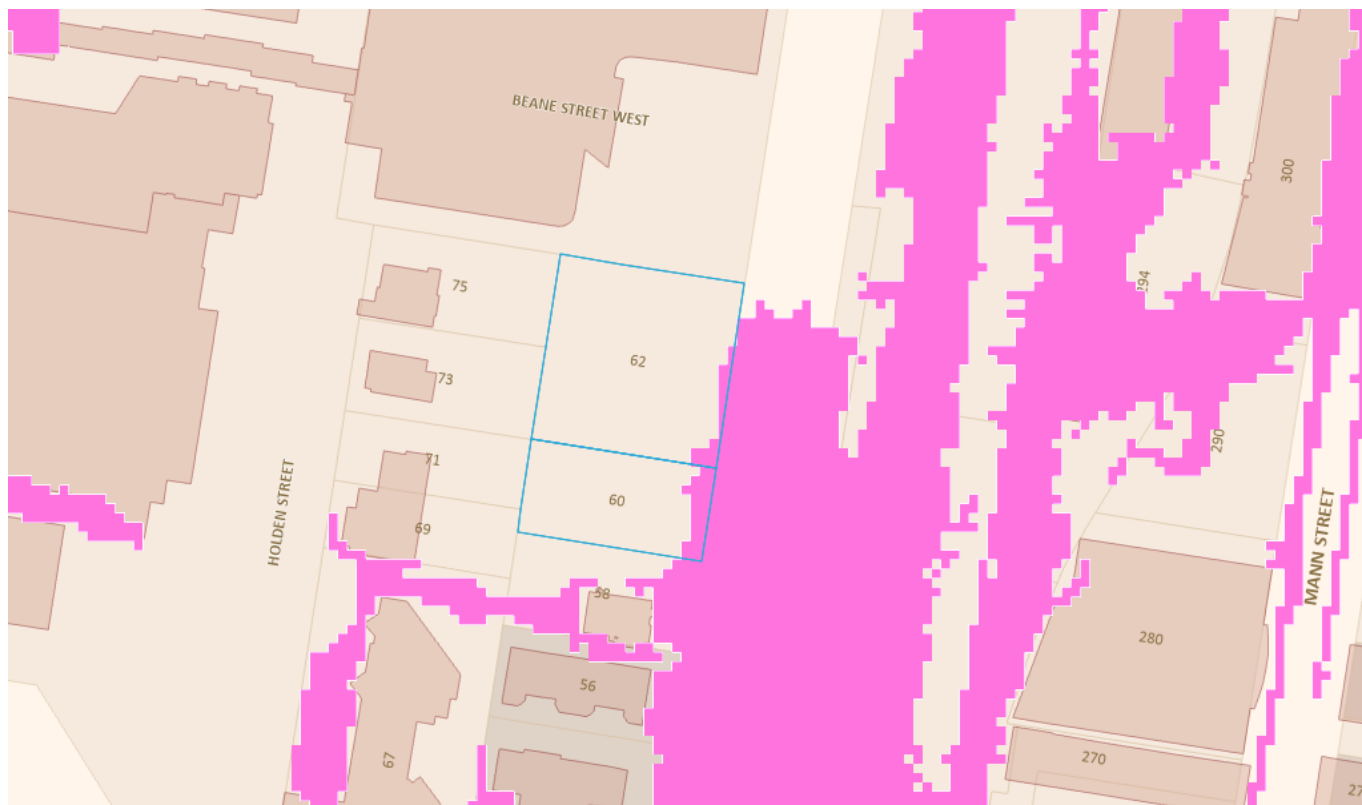
| Term                                       | Definition  |
|--|---|
| <b>Probable maximum flood (PMF)</b>        | The largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation (PMP), and where applicable, snow melt, coupled with the worst flood-producing catchment conditions. |
| <b>Annual exceedance probability (AEP)</b> | The chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage.   |
| <b>Flood prone land</b>                    | Land susceptible to flooding by the PMF event.  |
| <b>Flood planning area</b>                 | The area below the Flood Planning Level.  |

The subject site has been identified as being partially flood prone land under Central Coast Council's Flood Planning map (Figure 20).



**Figure 20 | Probable Maximum Flood Map Central Coast Council**

Clause 5.40 Flood Planning of the Regional SEPP applies to land at or below the flood planning level and as such the PMF levels depicted in Figure 23 do not trigger the Clause. Notwithstanding the above, whilst the majority of the site is not mapped as subject to flood planning, a small portion of the site's frontage and adjacent road reserve are affected by the flood planning level 1% AEP event from the ponding of floodwaters at the lowpoint of Showground Road to south of the site (Figure 21) and as such Clause 5.40 is applicable to the development.



**Figure 21 | Flood Planning Map Central Coast Council**

The originally approved development included a “Flooding and Local Overland Drainage Summary” (Flood Summary) as part of the originally submitted Stormwater and Water Cycle Management Report prepared by ACOR Consultants. The Flood Summary identified that the site is subject to a 1% AEP flood level of 10.26m AHD and a Flood Planning Level of 10.76m AHD (Figure 22).

| FLOOD LEVEL INFORMATION FOR LOCATION GC-1 BASED ON INFORMATION DERIVED FROM GOSFORD CBD OVERLAND FLOW FLOOD STUDY. |                     |  |   |
|--|---------------------|--|---|
| STORM EVENT  | FLOOD LEVEL (m AHD) | FLOOD PLANNING LEVEL (COMMERCIAL LAND USE) | FLOOD PLANNING LEVEL (SENSITIVE LAND USE) |
| 10% AEP  | 10.10               | 10.76 m AHD                                | 11.9 m AHD                                |
| 5% AEP   | 10.14               |  |   |
| 2% AEP   | 10.17               |  |   |
| 1% AEP   | 10.26               |  |   |
| PMF  | 11.9                |  |   |

**Figure 22 | Applicable Flood Levels and Flood Planning Levels**

The lowest proposed commercial tenancy of the originally approved development was located on the ground floor level at 11.7m AHD. The flood summary noted that this level provided 1.44m

freeboard to the 1% AEP flood level of 10.26m AHD and as such would not be impacted by flood waters in an 1% AEP event.

The subject modification application introduces a medical tenancy for the purpose of a radiation oncology clinic to basement level 3. This clinic sits at RL -1.060 AHD. The Department referred the application to its Engineers who provided the following comments in part:

*It is proposed to have a radiology treatment bunker in Basement 3. This has changed the basement carpark function into a patient treatment area. The basement entry level is below the PMF level. The proponent has previously cited that the fact that commercial areas are above the 1 in 100 yr level that this is an acceptable situation. The Modification now has a patient treatment level well below the design flood level.*

As stated previously, land below the PMF but above the flood planning level does not trigger Clause 5.40. In addition, on 22 October 2024 the Applicant provided further information in the form of a flooding response document prepared by a Senior Civil Engineer from ADW Johnson that describes that the proposed basement would not be affected by 1% AEP flood events as the only path for external water to enter the lower basement levels is through the driveway ramp. The proposed driveway ramp grades up to RL 11.1m AHD before grading back down to the lower levels of the basement. The driveway ramp's peak level of RL 11.1m AHD is therefore 0.84m above the 1% AEP flood level of 10.26m AHD and 0.34m above the site's flood planning level (FPL) for commercial development. The adjoining planter is noted on the submitted landscape plan as being at a height RL 12.000 (1.74m above the FPL) and is designed to include appropriate drainage connecting to stormwater and as such is unlikely to allow waters into the basement.

The Department considers that the design of the driveway ramp will not allow external water into the lower basement levels, from a flood planning perspective, the tenancy on basement 3 can be considered to be located above the 1% AEP flood level and FPL.

In accordance with Section 3.1.4.1 of Central Coast Council's DCP 3.1 Floodplain Management / Water Cycle Management, for a commercial development above the FPL, flood related development controls do not apply, as per Figure 23 below.

| Proposed Land use                         | Precinct 1<br>FPL to PMF  | Precinct 2<br>Below FPL | Precinct 3<br>Flood<br>Storage<br>and Flow<br>Paths (up<br>to 10%<br>AEP) | Precinct 4<br>High Hazard<br>(up to 50%<br>AEP) |
|---|---|-------------------------|---|---|
| 1 Single Dwelling Houses                  |   | 1, 9                    | 2, 5, 7   |   |
| 2 Agriculture & Recreation                |   | 2                       | 2, 5, 7   |   |
| 3 Sheds / Garages / ancillary Residential |   | 1                       | 2, 5, 7   |   |
| 4 Commercial and Industrial Uses          |   | 2, 6                    |   |   |
| 5 Medium to High Density Residential      |   |                         |   |   |
| 6 Critical or Sensitive Facilities        | 3   |                         |   |   |
| 7 Land Subdivision                        | 4   |                         |   |   |
| 8 Tourist Development                     |   |                         |   |   |
| 9 Caravan parks - short-term sites        |   | 6                       | 5, 6  |   |
| 10 Permissible Earthworks                 |   | 8                       |   |   |
|   |   |                         |   |   |
|   | Flood related development controls do not apply   |                         |   |   |
|   |   |                         |   |   |
|   | Flood related development controls apply (refer to numbered prescriptive criteria below)  |                         |   |   |
|   |   |                         |   |   |
|   | If the proposal is to be pursued further, a performance based assessment is to be provided demonstrating that the proposed development is compatible with the flooding characteristics of the site (refer to Section 3.2 and Appendix C). |                         |   |   |

**Figure 23 | Flood related development control application**

The CCDCP 2022 provides the following land use matrix (Table 10) having regard to the land uses listed above (Figure 25).

**Table 10 | Land use matrix**

| Use                                   | Land uses captured  |
|---------------------------------------|---|
| <b>Commercial and Industrial Uses</b> | amusement centre, animal boarding and training establishment, boat building and repair facilities, car parks, cemetery, charter and tourism boating facilities, commercial premises, community facilities, crematorium, depot, entertainment facility, freight transport facility, function centre, industries, health consulting rooms, health service facility (excluding patient transport facilities and hospitals), highway service centre, industrial retail outlet, industrial training facility, information and education facility, marinas, medical centre, mortuaries, passenger transport facilities, place of public worship, port facilities, public administration buildings (not occupied by emergency services organisations), recreation facilities(all), registered club, research station, restricted premises, rural industry (excluding stock and sales yards), service station, storage premises, sex services premises, toilet & amenities blocks, transport depot, truck depot, vehicle body repair workshop, vehicle repair station, veterinary hospital, warehouse or distribution centre, waste or resource management facility, wholesale supplies |



| Use   | Land uses captured   |
|---|--|
| <b>Critical Infrastructure and Facilities</b> | airstrip, air transport facilities, electricity generating works, emergency service facility, helipad, hospital, public administration buildings (occupied by emergency services organisations), public utility undertaking, sewerage system, water supply system Sensitive Uses and Facilities: child care centre, correctional centre, educational establishment, group homes, home based child care, hostel, respite day care centre, seniors housing |
| <b>Sensitive Uses and Facilities</b>          | child care centre, correctional centre, educational establishment, group homes, home based child care, hostel, respite day care centre, seniors housing  |

The proposed mixed use development is most accurately categorised as commercial and industrial having regard to the above matrix and accordingly, the modification application in its current design is compliant with the relevant flood controls of CCDCP 2022.

The Department has carefully considered the proposed development having regard to flooding. The Department considers the development is compatible with the flood hazard of the site as:

- the large majority of the site is located outside of the 1% AEP flood extent and the only area affected by this extent is the small frontage of the site and adjacent road reserve
- the proposed modifications are not likely to significantly adversely affect the existing 1% AEP flood behaviour
- the proposed modifications are not likely to significantly adversely affect the environment
- the proposed modifications are not likely to result in unsustainable social and economic costs to the community as a consequence of flooding
- flooding will not impact the lowest tenancy in the 1%AEP event and as such there will be no consequence of flooding due to 1% AEP events.

It is considered that the proposal is consistent with Clause 5.40 Flood Planning in Chapter 5 Gosford City Centre of SEPP (Precincts – Regional) 2021.

## 6.4 Other issues

The Department's consideration of other issues is summarised in Table 11 below.

**Table 11** | Assessment of other issues

| Issue                   | Findings and conclusions   | Recommended conditions      |
|-------------------------|--|-----------------------------|
| <b>Site Suitability</b> | <p>The site is zoned B4 Mixed Use under the Regional SEPP. The development meets the objectives of the zone as the development integrates medical type business and retail in an accessible location to maximise public transport patronage and encourage walking and cycling.</p> <p>The proposed modifications remove the approved independent living units (seniors housing) from the application and as such the provisions relating to Housing SEPP are no longer relevant to the proposal.</p> <p>The Department is satisfied that the proposed development is suitable for the site as it is permissible and meets the objectives of the B4 zone.</p> | No recommendation necessary |

## 7 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development (Sections 3, 6 & Appendix D), advice from government agencies, local councils and public submissions (Section 5), and strategic government policies and plans (Section 3 & Appendix D). This includes consideration of the original approval, modification report, submitted documentation and additional material received during assessment.

The modification has demonstrated consistency with the design excellence outcomes approved under the original application. If approved, the modification will enable a new building within the Gosford City Centre that will positively contribute to the emerging character and revitalisation of Gosford in accordance with the strategic vision for the area.

The Department has recommended a range of conditions to manage any residual environmental impacts.

The Department has formed the opinion that:

- the modification will provide medical services adjacent to the Gosford Hospital, public transport and within the Gosford City Centre
- the modification will be consistent with the strategic planning context for Gosford City Centre
- the modification will comply with the land use zone and floor space controls in the relevant environmental planning instrument
- the modification will include an appropriate variation to building height, as permissible by Section 5.46 of the Regional SEPP due to the surrounding scale and context of the site and appropriate design
- the modification will exhibit design excellence with a high standard of architectural design
- the modification will be consistent with future character of the area and not adversely impact surrounding amenity, in terms of solar access, view impacts and privacy impacts
- the modification will provide adequate onsite car parking to meet the needs of the development and the associated traffic can be accommodated without unreasonably impacting the surrounding road network
- the modification should be approved subject to conditions

## 8 Recommendation

It is recommended that the Director, as delegate of the Minister for Planning and Public Spaces:

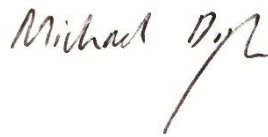
- considers the findings and recommendations of this report
- accepts and adopts the findings and recommendations in this report as the reasons for making the decision to approve the modification
- agrees with the key reasons for approval listed in the notice of decision
- modifies the consent for the Integrated Health Hub at 60-64 Showground Road, Gosford - (DA 22/11444) subject to the conditions in the attached instrument of modification.
- signs the attached instrument of modification (Appendix E).

Recommended by:



Ryan Lennox  
A/Senior Planning Officer  
Regional Assessments

Recommended by:



Michael Doyle  
A/Team Leader  
Regional Assessments

## 9 Determination

The recommendation is adopted by:

A handwritten signature in blue ink, consisting of the letters 'K' and 'T' followed by a long horizontal stroke.

**Keiran Thomas**

Director

Regional Assessments



# Glossary

| Abbreviation                 | Definition   |
|------------------------------|--|
| <b>AHD</b>                   | Australian height datum  |
| <b>CIV</b>                   | Capital investment value   |
| <b>Council</b>               | Central Coast Council  |
| <b>CoGDAP</b>                | City of Gosford Design Advisory Panel                                |
| <b>Department</b>            | Department of Planning, Housing and Infrastructure                   |
| <b>DES</b>                   | Design Excellence Strategy   |
| <b>EP&amp;A Act</b>          | <i>Environmental Planning and Assessment Act 1979</i>                |
| <b>EP&amp;A Regulation</b>   | <i>Environmental Planning and Assessment Regulation 2021</i>         |
| <b>EPI</b>                   | Environmental planning instrument                                    |
| <b>ESD</b>                   | Ecologically sustainable development                                 |
| <b>LGA</b>                   | Local government area  |
| <b>LEP</b>                   | Local environmental plan   |
| <b>Minister</b>              | Minister for Planning and Public Spaces                              |
| <b>NCC</b>                   | National Construction Code   |
| <b>Planning Systems SEPP</b> | <i>State Environmental Planning Policy (Planning Systems) 2021</i>   |
| <b>Regional SEPP</b>         | <i>State Environmental Planning Policy (Precincts—Regional) 2021</i> |
| <b>Secretary</b>             | Secretary of the Department of Planning, Housing and Infrastructure  |
| <b>SEPP</b>                  | State environmental planning policy                                  |
| <b>TfNSW</b>                 | Transport for NSW  |

# Appendices

## Appendix A – Summary of modifications

A summary of the project changes is provided in Table 12 below.

**Table 12** | Key project changes

| Project element          | Approved development   | Proposed modified development  |
|--------------------------|--|--|
| <b>Basement Level 4)</b> | <ul style="list-style-type: none"> <li>• RL-0.300</li> <li>• 35 parking spaces</li> <li>• Fire stair egress/lift access</li> <li>• Storage/plant</li> </ul>  | Level deleted  |
| <b>Basement Level 3</b>  | <ul style="list-style-type: none"> <li>• RL 2.700</li> <li>• 68 car spaces</li> <li>• accessible car space</li> <li>• 1 motorcycle bay</li> <li>• Fire stair egress (2 cores)</li> <li>• lift access</li> <li>• Storage/plant</li> </ul>   | <ul style="list-style-type: none"> <li>• RL 2.000 (RL 1.080 Medical Tenancy)</li> <li>• Medical Tenancy (751.88sqm)</li> <li>• 42 car spaces</li> <li>• Plant and equipment including:               <ul style="list-style-type: none"> <li>i. Grease trap and pump station</li> <li>ii. Dia subsoil pump station</li> </ul> </li> <li>• Stair well access (2 relocated cores)</li> <li>• Public lift access</li> <li>• Store</li> </ul> |
| <b>Basement Level 2</b>  | <ul style="list-style-type: none"> <li>• RL 5.700</li> <li>• 68 car spaces</li> <li>• 2 accessible car space</li> <li>• 1 motorcycle bay</li> <li>• Fire stair egress (2 cores)</li> <li>• lift access</li> <li>• Storage/plant</li> </ul> | <ul style="list-style-type: none"> <li>• RL 5.000</li> <li>• 70 car spaces</li> <li>• Plant and equipment including:               <ul style="list-style-type: none"> <li>i. Water Pump</li> <li>ii. Sewer Pump</li> </ul> </li> <li>• Stair well access (2 relocated cores)</li> <li>• Public lift access</li> <li>• Store</li> </ul>   |

| Project element         | Approved development  | Proposed modified development  |
|-------------------------|---|--|
| <b>Basement Level 1</b> | <ul style="list-style-type: none"> <li>• RL 8.700</li> <li>• 45 car spaces</li> <li>• 2 accessible car space</li> <li>• 1 SDA Drop off space</li> <li>• 2 Van Spaces</li> <li>• 1 motorcycle bay</li> <li>• Fire stair egress (2 cores)</li> <li>• lift access</li> <li>• Storage/plant</li> </ul>        | <ul style="list-style-type: none"> <li>• RL 8.000</li> <li>• 44 car spaces</li> <li>• 4 accessible spaces</li> <li>• 2 van spaces</li> <li>• 9 motorbike spaces</li> <li>• 28 bicycle spaces</li> <li>• MSB/Comms Rooms</li> <li>• 2 Accessible toilets</li> <li>• Plant and equipment including: <ul style="list-style-type: none"> <li>i. Car park supply</li> <li>ii. Sewer Pump</li> </ul> </li> <li>• Stair well access (2 relocated cores)</li> <li>• Public lift access</li> <li>• Store</li> </ul> |
| <b>Ground Floor</b>     | <ul style="list-style-type: none"> <li>• RL 11.700</li> <li>• 3 medical tenancies (167.4sqm, 150.7sqm and 558.3sqm respectively)</li> <li>• 1 retail tenancy (103sqm)</li> <li>• End of trip facilities</li> <li>• Fire stair egress (2 cores)</li> <li>• lift access</li> <li>• Storage/plant</li> </ul> | <ul style="list-style-type: none"> <li>• RL 11.200</li> <li>• 1 medical tenancy (824.05sqm)</li> <li>• Café (102.52sqm)</li> <li>• General waste store</li> <li>• Medical waste store</li> <li>• Storage/plant</li> <li>• MRV and Ambulance Bay</li> <li>• Stair access</li> <li>• Public lift access</li> </ul>   |
| <b>First Floor</b>      | <ul style="list-style-type: none"> <li>• RL 16.500</li> <li>• 5 tenancies (1528.7sqm GFA total)</li> <li>• Stair access</li> <li>• Public lift access</li> <li>• Male/Female and accessible WC</li> </ul>   | <ul style="list-style-type: none"> <li>• RL 18.200</li> <li>• 1468.69sqm GFA</li> <li>• Stair access</li> <li>• Public lift access</li> <li>• Male/Female and accessible WC</li> </ul>   |

| Project element     | Approved development   | Proposed modified development  |
|---------------------|--|--|
| <b>Second Floor</b> | <ul style="list-style-type: none"> <li>• RL 20.100</li> <li>• 8 tenancies (1527.2sqm GFA total)</li> <li>• Stair access</li> <li>• Public lift access</li> <li>• Male/Female and accessible WC</li> </ul>                                    | <ul style="list-style-type: none"> <li>• RL 20.200</li> <li>• 1468.68sqm GFA</li> <li>• Stair access</li> <li>• Public lift access</li> <li>• Male/Female and accessible WC</li> </ul>   |
| <b>Third Floor</b>  | <ul style="list-style-type: none"> <li>• RL 23.700</li> <li>• 11 tenancies (1528.6sqm GFA total)</li> <li>• Stair access</li> <li>• Public lift access</li> <li>• Male/Female and accessible WC</li> </ul>                                   | <ul style="list-style-type: none"> <li>• RL 24.200</li> <li>• 1469.01sqm GFA</li> <li>• Stair access</li> <li>• Public lift access</li> <li>• Male/Female and accessible WC</li> </ul>   |
| <b>Fourth Floor</b> | <ul style="list-style-type: none"> <li>• RL 27.300</li> <li>• 11 tenancies (1494.9sqm GFA total)</li> <li>• Outdoor Terrace</li> <li>• Stair access</li> <li>• Medical lift access</li> <li>• Male/Female and accessible WC</li> </ul>       | <ul style="list-style-type: none"> <li>• RL 27.900</li> <li>• 6 tenancies (660.75 sqm GFA total)</li> <li>• Stair access</li> <li>• Public lift access</li> <li>• Male/Female and accessible WC</li> <li>• External courtyard</li> </ul> |
| <b>Fifth Floor</b>  | <ul style="list-style-type: none"> <li>• RL 30.900</li> <li>• 5 two bedroom SDA Units</li> <li>• 2 one bedroom SDA units</li> <li>• Stair access</li> <li>• Medical lift access</li> <li>• SDA lift</li> <li>• External courtyard</li> </ul> | <p>Level Deleted – Roof Plan</p> <ul style="list-style-type: none"> <li>• RL 31.500 (RL 34.050 Top of Ridge)</li> <li>• Lift overrun</li> <li>• Roof Plant</li> </ul>  |
| <b>Roof Plan</b>    | <ul style="list-style-type: none"> <li>• RL 34.100 (RL 35.474 Top of Ridge)</li> <li>• Roof Plant</li> <li>• Lift overrun</li> </ul>   | N/A  |

## Appendix B – List of referenced documents

The key documents including the Modification Report, additional information and statutory documents, that the Department relied upon during its assessment of the proposed development can be found here:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/integrated-health-hub-and-accommodation-60-64-showground-road-gosford-da-2211444-mod-1>

## Appendix C – Submissions and government agency advice

All submissions and government agency advice can be found here:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/integrated-health-hub-and-accommodation-60-64-showground-road-gosford-da-2211444-mod-1>

## Appendix D – Statutory considerations

The following are the relevant mandatory matters for consideration:

- The matters in section 4.15(1) of the EP&A Act
- The objects of the EP&A Act
- Ecologically Sustainable Development (ESD)
- Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)
- Relevant environmental planning instruments (EPIs)
- Gosford City Centre Development Control Plan 2018

### Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in Table 13 below.

**Table 13** | Objects of the EP&A Act and how they have been considered

| Object   | Consideration   |
|--|---|
| <p><b>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</b></p>      | <p>The development will promote:</p> <ul style="list-style-type: none"> <li>• the proper management and development of suitably identified land, being within an urban environment</li> <li>• increasing employment opportunities</li> <li>• the social welfare of the community by providing appropriate medical services</li> <li>• a suitable environment through appropriate environmental management during construction and operation.</li> </ul> |
| <p><b>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</b></p> | <p>The Department has considered ecologically sustainable development (ESD) in its assessment of the development. The Department is satisfied the development can be carried out in a manner that is consistent with the principles of ESD. Refer to discussion below for further information.</p>  |
| <p><b>(c) to promote the orderly and economic use and development of land,</b></p>   | <p>The proposal involves the orderly and economic use of land through the efficient redevelopment of an existing urban site that is in close proximity to existing services and public transport, and medical services.</p>   |
| <p><b>(d) to promote the delivery and maintenance of affordable housing,</b></p>   | <p>The modification application does not propose or retain housing, however proposal will not result in the loss of any identified affordable housing in the locality.</p>  |
| <p><b>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</b></p>                              | <p>The project involves the redevelopment of a developed site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats. The proposal does not involve any significant native vegetation clearing.</p>   |



| Object   | Consideration   |
|--|---|
| <b>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</b>                                  | No impacts to built and cultural heritage have been identified. There are no listed Aboriginal sites or places recorded or declared in or near the site.  |
| <b>(g) to promote good design and amenity of the built environment,</b>  | The DAP has confirmed the proposal exhibits design excellence. The DES ensure a high standard of design for the development that is commensurate with the originally approved development.  |
| <b>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</b>          | Development consent DA 22/11444 and the subject application includes a number of conditions that ensure the construction and maintenance of the development is undertaken in accordance with the relevant legislation, guidelines, policies and procedures. |
| <b>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,</b> | The Department referred the development to relevant government agencies and Council during the exhibition period and invited them to comment. The Department has given due consideration to their advice.   |
| <b>(j) to provide increased opportunity for community participation in environmental planning and assessment.</b>  | The Department publicly exhibited the application as outlined in Section 5. Property owners within the vicinity of the development were directly notified in writing.   |

## Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

DA 22/11444 included ESD initiatives and sustainability measures such as:

- design of apartments to promote increased access to daylight and natural ventilation with a central courtyard to promote thermo-regulation
- sustainability commitments to deliver effective water and greenhouse gas reductions outlined in the BASIX Certificate
- design of apartments that achieve a NatHERS rating between 6.4 and 7.7 stars
- a minimum 4-5 star green building rating target.

The Department assessed the environmental impacts and implemented the precautionary and inter-generational equity principles throughout the decision-making process of DA 22/11444. The Department concluded that, overall, the application was consistent with ESD principles.

The subject modification application deletes the approved housing. The modification application does not retain any existing or approved residences, or propose any new residences, upon the site.

SEPP BASIX, and the NatHERS Certificates for the approved independent living units, are no longer relevant to the development. It is recommended that existing consent conditions relating to SEPP BASIX and the NatHERS certificates be deleted.

The application removes basement level 4 and includes the use of and operation of a Radiation Oncology clinic within basement level 3.

DA 22/11444 included an Energy Efficiency Statement (EES) that described that the application included a Section J report for the non-residential components of the building which, in turn, included a JV3 assessment for the building fabric to ensure a high level of thermal comfort can be achieved. However, the Applicant did not submit such a Section J report or JV3 assessment. Development consent DA 22/114444 includes condition A2(f)(ix) that requires the development to be undertaken generally in accordance with the EES and is recommended to be retained.

## Environmental Planning Instruments (EPIs)

### State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) (and the associated Apartment Design Guide (ADG))

SEPP 65 seeks to improve the design quality of residential development and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out the best practice principles for residential development.

Development Application DA 22/11444 sought consent for a health services facility, seniors housing and café, however the subject modification application deletes the approved housing.

The modification application does not retain any existing or approved residences, or propose any new residences, upon the site, and the aims and objectives of SEPP 65 and the provisions of the ADG are no longer relevant to the site and development.

No further assessment is made with respect to SEPP 65 and the ADG.

#### State Environmental Planning Policy (Biodiversity and Conservation) 2021

##### Chapter 4- Koala habitat Protection 2021

Chapter 4 of SEPP Biodiversity and Conservation 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. Schedule 2 of the SEPP lists the koala management areas (KMAs) within each local government area (LGA) in NSW. Schedule 2 lists Central Coast KMA for the Central Coast LGA.

The subject site is less than one hectare and as such: Section 4.9 does not apply to the site. The site area does not comprise potential or core koala habitat and there is no anticipated undue impact on koala populations or habitats associated with the development.

There are no other provisions of Chapter 4 relevant to the subject application.

#### State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) was repealed on 30 September 2023 and its provisions incorporated into State Environmental Planning Policy (Sustainable Buildings) 2022 (SEPP Sustainable Buildings) that came into force on 1 October 2023. However, section 4.2 of the SEPP Sustainable Buildings included savings & transitional provisions that describe that SEPP Sustainable Buildings does not apply to a modification application that relates to a development application that was submitted on the NSW Planning Portal before 1 October 2023.

DA 22/11444 was submitted through the Portal in August 2022, lodged in October 2022, and determined on 24 May 2023: SEPP Sustainable Buildings does not apply to the subject modification application.

SEPP BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy and thermal comfort. SEPP BASIX requires all new dwellings meet sustainable targets of a 20% reduction in energy use (building size dependent) and 40% reduction in potable water.

DA 22/11444 included a BASIX certificate, however the subject modification application deletes the approved housing components of the application and does not retain any existing or approved residences, or propose any new residences, upon the site.

SEPP BASIX is no longer relevant to the development.

No further assessment is made with respect to SEPP BASIX, and it is recommended that existing consent conditions relating to SEPP BASIX be deleted.

### State Environmental Planning Policy (Housing) 2021

The Housing SEPP aims to encourage the provision of housing:

- to meet the needs of seniors or people with a disability;
- makes efficient use of existing infrastructure and services; and
- promotes good design. It establishes design principles to ensure built form responds to the characteristics of a site.

The subject modification application deletes the approved housing component of the application and does not retain any existing or approved residences, or propose any new residences, upon the site. SEPP Housing is no longer relevant to the development.

No further assessment is made with respect to SEPP Housing.

### State Environmental Planning Policy (Industry and Employment) 2021

#### Chapter 3 – Advertising and Signage

Chapter 3 of *State Environmental Planning Policy (Industry and Employment) 2021* applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. Under section 3.6 of the SEPP, consent must not be granted for any signage unless the development is consistent with the objectives of the SEPP and with the assessment criteria contained in Schedule 5.

DA 22/11444 did not propose signage. Development consent DA 22/11444 included consent conditions requiring signage within the development identifying facilities, entry points and exit points, way-finding signage for car parking, cyclists and pedestrians, and pavement signs for vehicle circulation and parking.

The subject modification application does not propose signage. No further assessment is made with respect to SEPP Industry and Employment.

### State Environmental Planning Policy (Precincts – Regional) 2021

#### Chapter 5 Gosford City Centre

Chapter 5 Gosford City Centre of *State Environmental Planning Policy (Precincts – Regional) 2021* aims to promote economic and social revitalisation of Gosford City Centre, strengthen its role for

commerce and health care while creating highly liveable urban space with design excellence, encourage responsible management of natural resources, and achieve sustainable environmental outcomes. Chapter 5 of the SEPP applies to development within the mapped Gosford City Centre.

The Department considered the original application (DA 22/11444) against the relevant sections of the Regional SEPP and found the proposal to be generally compliant.

Similarly, the Department has considered the subject modification against the relevant matters of the Regional SEPP in Table 14 below.

**Table 14 | Consideration of Part 5 of SEPP Precincts – Regional**

| Relevant Section      | Consideration and Comments   | Complies |
|-----------------------|--|----------|
| 5.5 Consent authority | <p>State Environmental Planning Policy (Gosford City Centre) 2018 (Gosford SEPP) was repealed on 28 February 2022, and State Environmental Planning Policy (Precincts – Regional) 2021 (SEPP Precincts – Regional) came into force on 1 March 2022 and incorporated the requirements of the Gosford SEPP.</p> <p>State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) was repealed on 28 February 2022, and State Environmental Planning Policy (Planning Systems) 2021 (the PS SEPP) came into force on 1 March 2022.</p> <p>DA 22/11444 was submitted through the Portal in August 2022, lodged in October 2022, and determined on 24 May 2023. As such, SEPP Precincts – Regional and the PS SEPP each applied to DA 22/11444 and apply to the subject modification application.</p> <p>Clause 5.5 of SEPP Precincts – Regional prescribes that the consent authority for development (under Part 4 of the EP&amp;A Act) that has a CIV of between \$10 million and \$75 million is the Minister for Planning or, if the CIV is more than \$40 million and the Council objects to the development, the Independent Planning Commission (IPC).</p> <p>Section 2.19 of the PS SEPP declares development specified in Schedule 6 of the SEPP to be regionally significant development (RSD). Schedule 6 includes General Development over \$30 million; However, notwithstanding the above, section 2.19 also declares that development for which Council is not the consent authority is not RSD.</p> | N/A      |

| Relevant Section                        | Consideration and Comments   | Complies |
|---|--|----------|
|   | <p>The CIV of DA22/11444 was \$34.13 million. The subject modification application proposes reduced excavation, removal of housing component, the addition of a radiation oncology tenancy within basement 3 and other changes.</p> <p>Pursuant to section 2.19 of the PS SEPP and clause 5.5 of SEPP Precincts – Regional, the proposal does not constitute Regionally Significant Development.</p> <p>The proposal has a capital investment value of \$29,988,459 and as such, the minister for planning is the consent authority.</p> <p>In accordance with the Minister’s delegation, dated 9 March 2022, the Director, Regional Assessments may determine the application as:</p> <ul style="list-style-type: none"> <li>the Applicant has not disclosed a reportable political donation in connection with the application</li> <li>there are less than 10 public submissions in nature of objections</li> </ul> <p>Council did not object under the mandatory requirements for community participation in Schedule 1 of the EP&amp;A Act.</p> |          |
| 5.13 Zone Objectives and Land Use Table | <p>The site is zoned B4 Mixed Use. The proposal provides for a mixed use development comprising of medical services facilities and retail in a location close to public transport and services and is consistent with the desired future character of the area.</p> <p>Health Services Facilities and commercial premises are permitted with consent in this zone.</p> <p>The modified proposal does not retain any existing or approved housing, or include any new housing, however the proposal remains consistent with the objectives of the zone.</p> <p>Objectives of the B4 Mixed Use zone relate to compatible land uses and activities in accessible locations that maximise public transport patronage and encourage walking and cycling.</p>  | Yes      |
| 5.16 Subdivision                        | Subdivision is not proposed.   | N/A      |



| Relevant Section                                     | Consideration and Comments   | Complies              |
|--|--|-----------------------|
| 5.17 Demolition Requires Development Consent         | Demolition is permitted with development consent.  | Yes                   |
| 5.22 Minimum Subdivision Lot Size                    | The site is mapped in an area with no minimum lot size.  | Yes                   |
| 5.24 Minimum Subdivision Lot Size for Strata Schemes | Subdivision is not proposed.   | N/A                   |
| 5.25 Height of Buildings                             | The maximum building height permitted for the land is 18m. The Proposed building height is 21.52m. The proposal relies on section 5.46 of the Regional SEPP for additional height. Refer to Section 5.46 below for further information.  | No – see section 5.46 |
| 5.26 Floor SpaceRatio                                | <p>The site has a mapped FSR limit of 2:1.</p> <p>The site is 2,437sqm in size, and as such the proposal is subject to Clause 5.46(2) of the Regional SEPP where the site area is less than 2800m<sup>2</sup>.</p> <p>Refer to section Clause 5.46 below for further information.</p>  | N/A                   |
| 5.36 Heritage conservation                           | The site is not located in proximity to heritage items.  | N/A                   |
| 5.39 Acid SulfateSoils                               | <p>The site is mapped with the potential for Class 5 Acid Sulfate Soils. The Applicant provided a Geotechnical Investigations report which indicates that Acid Sulfate Soils are unlikely to be present.</p> <p>The application included an amended Geotechnical Investigations report which notes that the subject modification application proposes a total excavation depth of 12.26 (m bgl) which results in a similar excavation depth and volume to that of the originally approved development.</p> <p>No criteria for Acid Sulfate Soils (ASS) is trigger by the development and therefore no further assessment is required.</p> <p>Included results of tests that Acid Sulfate Soils are not present at the site at the depth of proposed excavations.</p> | Yes                   |

| Relevant Section  | Consideration and Comments  | Complies |
|---|---|----------|
| 5.40 FloodPlanning  | Flooding is discussed earlier in this report in Section 6.3. A small portion of the site adjacent to the road reserve is mapped as flood planning. For reasons discussed within Section 6.3, the proposed modifications are considered acceptable and in accordance with the subject clause of the Regional SEPP.   | Yes      |
| 5.45 Designexcellence   | <p>Since the development's inception, the development has been subject to three City of Gosford Design Reference Group (DRG) workshops since October 2021.</p> <p>The City of Gosford Design Advisory Panel (CoGDAP) determined that the development exhibited Design Excellence on 19 December 2022.</p> <p>Section 5.45 requires a consent authority to be satisfied that development involving the erection of a new building exhibits design excellence, including with respect to architectural design and materials, form, requirements of the DCP, suitability of the land, mix of uses, relationship with other development, street frontage heights, and public domain impacts.</p> <p>The modification application was referred to the CoGDAP who reviewed the submitted material and noted that the modification did not warrant further review or advice.</p> <p>Based on the above and, in particular, CoGDAP's ongoing involvement in the proposal and consideration of the matters under Clause 5.45, the Department is satisfied that the proposal exhibits design excellence in accordance with the Regional SEPP and design integrity will be maintained.</p> <p>Refer to Section 6.1 of this report for further details.</p> | Yes      |
| 5.46 Exceptions to height and floor space in Zones B3, B4 an B6 | <p>The site has a mapped FSR limit of 2:1, however section 5.46 enables FSR to be varied for sites less than 2800m<sup>2</sup> in size where the proposed FSR does not exceed the formula set out in Clause 5.46(2):</p> <p><i>"2 + (X × 0.02):1, where X is the percentage of the gross floor area (GFA) of the building that is used for a purpose other than residential purposes."</i></p>  | Yes      |

| Relevant Section                    | Consideration and Comments  | Complies     |
|-------------------------------------|---|--------------|
|                                     | <p>The proposal has an FSR of 3.11:1 and therefore exceeds the mapped maximum FSR, however the site has an area less than 2800m<sup>2</sup> (2437m<sup>2</sup>).</p> <p>The site has a GFA of 7596.2m<sup>2</sup> and the residential components of the development have been removed. As such, the formula under section 5.46 is calculated as follows:</p> $2 + (100 \times 0.02):1 = 4:1$ <p>Given the above, the maximum permitted GFA applicable to the site is 4:1.</p> <p>The modified development complies with the maximum permitted FSR under section 5.46(2)(b) and the applicable maximum permitted GFA under section 5.46(3).</p> <p>Section 5.46(3) enables development to exceed the mapped maximum building height where the building includes a street frontage of at least 36m, a design review panel reviews the development and the consent authority takes into account their findings, and the consent authority is satisfied with the amount of commercial floor space and that the building meets minimum building sustainability and environmental performance standards.</p> <p>The site is mapped with a maximum building height of 18m. The proposal is 21.52m in height and therefore exceeds the maximum building height.</p> <p>The development will have a street frontage of at least 36m. The modification application was referred to the CoGDAP who reviewed the submitted material and noted that the modification did not warrant further review or advice. In addition, the Department is satisfied with the proposed amount of commercial GFA, and the Department is satisfied that the building meets minimum environmental performance standards.</p> <p>It is considered that the proposal meets the criteria to exceed the maximum height of buildings pursuant to section 5.46(3).</p> |              |
| 5.47 Car Parking in Zones B3 and B4 | Development consent must not be granted for development on land in Zone B3 Commercial Core or Zone B4 Mixed Use that involves the erection of a new building or an alteration or addition   | Satisfactory |

| Relevant Section | Consideration and Comments  | Complies |
|------------------|---|----------|
|                  | <p>to an existing building that increases the gross floor area of the building unless:</p> <p>(a) at least 1 car parking space is provided for every 75 square metres of the gross floor area of the building that is to be used for commercial activities, and</p> <p>(b) at least 1 car parking space is provided for every 40 square metres of the gross floor area of the building that is to be used for the purpose of retail premises.</p> <p>Given the above rates the proposal would be required to have:</p> <p>Commercial GFA = <math>6745.36\text{m}^2/75 = 89.93</math></p> <p>Required – 90 spaces</p> <p>Retail GFA = <math>102.52\text{m}^2/40 = 2.563</math></p> <p>Required – 3 Spaces</p> <p>Total Required = 93 car spaces</p> <p>However, the Regional SEPP only sets car parking requirements for commercial activities generally, whereas the TfNSW Guide sets car parking requirements for medical tenancies. In these circumstances, the Department considers the TfNSW Guide to set the appropriate car parking standards for the proposed modified development. The TfNSW Guide requires the development include 262 spaces.</p> <p>The modification proposes 162 car spaces. Given the site’s regional centre location and good public transport accessibility, the Green Travel Plan, and on the basis that the radiation oncology clinic will only be ancillary to the other tenancies in the building and will not generate trips independent of other tenancies, the Department is satisfied with the proposed car parking.</p> |          |

| Relevant Section   | Consideration and Comments   | Complies |
|--|--|----------|
| 5.48 Active Street Frontages                                     | The proposed development is not mapped on land specified as “Active Street Frontage” and as such this section is not applicable to the development.  | N/A      |
| 5.49 Non-residential ground and first floor buildings in Zone B3 | The proposed development is not on land zoned B3 and as such this section is not applicable to the development   | N/A      |
| 5.50 Converting Serviced Apartments                              | The proposed development does not propose to convert services apartment to residential flat buildings and as such this section is not applicable to the development.                             | N/A      |
| 5.51 Residential Flat Buildings in Zone B6                       | The proposed development is not on land zoned B6 and as such this section is not applicable to the development   | N/A      |
| 5.52 Solar Access to key public open spaces                      | The proposed development will not impact Kibble Park or Leagues Club Field on the additional provisions map and as such this section is not applicable to the development.                       | N/A      |
| 5.53 Key vistas and view corridors                               | The proposed development is located outside of the areas with significance in key views and vistas and is not in proximity to the key lines of sight.  | N/A      |
| 5.54 Community Infrastructure                                    | The proposed development is not being undertaken by or on behalf of Council or the Central Coast Regional Development Corporation and as such this section is not applicable to the development. | N/A      |
| 5.55 Floor Space ratio in Zone R1                                | The proposed development is not on land zoned R1 and as such this section is not applicable to the development   | N/A      |

### State Environmental Planning Policy (Resilience and Hazards) 2021

#### Chapter 2 Coastal Management

Chapter 2 of SEPP Resilience and Hazards gives effect to the objectives of the *Coastal Management Act 2016* (NSW) from a land use planning perspective. It defines four coastal management areas and specifies assessment criteria that are tailored for each coastal management area. The consent authority must apply those criteria when assessing proposed developments for development that fall within one or more of the mapped areas.

The Coastal Environment Area is approximately 450m to the south of the site. The site is outside the areas mapped as a Coastal Environment Area, Coastal Use Area and Coastal Wetlands under Chapter 2. Chapter 2 does not make any requirements with respect to the site.

#### Chapter 3 Hazardous and Offensive Development

The proposal does not involve hazardous or offensive development.

#### Chapter 4 Remediation of Land

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP Resilience and Hazards) aims to provide a State-wide approach to the remediation of contaminated land. In particular, the SEPP aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

DA 22/11444 included a Detailed Site Investigation that in turn included detailed fieldwork analysis that involved the collection and analysis of soil samples located on the site. The Investigation described:

*The site may have been used for residential purposes since as far back as 1888 and with the possible exception of localised filling and the use of hazardous building materials in since demolished structures was not considered likely to be contaminated. No indications of contamination were observed during the fieldwork and no hydrocarbons, pesticides or asbestos were identified in the collected soil samples; concentrations of metals were detected however at low levels which are not considered to pose a constraint to the development or require more than standard management practices during the construction.*

The Investigation concluded that the site is suitable for the development.

The Department's assessment report for DA 22/11444 commented that, based on the above Investigation findings and historic use of the site being residential, the proposal under DA22/11444 is considered to satisfy the relevant objectives and provisions of SEPP, therefore, it is considered that the subject site is suitable for the development proposed under DA 22/11444. The Department was satisfied that the original proposal was consistent with Chapter 4 of SEPP Resilience and Hazards.

The subject modification application proposes a total excavation depth of 12.26 (m bgl). The revised changes include the reduction of one-storey and one basement level, excavation depth and volume of the revised plan is similar to the previous plan, with an insignificant change to the bottom basement depth.



The Department is satisfied that the proposal remains consistent with the findings contained in the original Investigation and Chapter 4 of SEPP Resilience and Hazards.

### State Environmental Planning Policy (Transport and Infrastructure) 2021

#### Chapter 2 Infrastructure

Chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposal is of a relevant size / capacity under Schedule 3 of the Infrastructure SEPP and therefore triggers the traffic generating development provisions (clause 104). The Department referred the application to TfNSW in accordance with the Infrastructure SEPP and has considered TfNSW's submissions on the proposal (Sections 5 and 6). The Department will retain conditions to manage and/or mitigate the impacts of the development (Appendix H).

The proposal is located adjacent to a road specified under clause 102 of the Infrastructure SEPP. The Department has considered construction and operational noise within the original assessment and these aspects will not be significantly altered.

Section 2.48 relates to proposals involving works that are within proximity to electrical infrastructure. In accordance with section 2.48(2), the application was referred to the electricity supply authority (Ausgrid) who did not object to the modification noting that their comments on the original DA remain unchanged having regard to the proposed modifications.

Section 2.99(1)(b) of the Transport and Infrastructure SEPP applies to development that involves penetration of ground to a depth of at least 2m below ground level on land within 25m of the ground directly below a rail corridor. The proposal has a cut of approximately 12.26 (m bgl) that is within 20m of the rail corridor. As such, section 2.99(2) requires the consent authority to give written notice of the application to the rail authority and take into consideration their response and any guidelines.

Sydney Trains noted that they grant concurrence to the development proposed in Modification application DA 22/11444-Mod-1. They have no additional comments on the proposed development works associated with the modification application and advise that all existing TfNSW (as Rail Authority) conditions and comments applied to the previous application DA 22/11444 are still applicable.

The Department is satisfied that the proposal is consistent with the requirements of this Policy.

## Gosford City Centre Development Control Plan 2018

The purpose of GDCP 2018 is to provide development controls for quality development and sound environmental outcomes within the Gosford City Centre. This DCP provides more detailed provisions to expand upon the controls within Regional SEPP for development in the Gosford City Centre that will contribute to the growth and character of Gosford and protect and enhance the public domain. Under section 4.15 of the Environmental Planning and Assessment Act 1979, the assessment and determining authority is required to take into consideration the relevant provisions of this DCP in determining any application for development (except for State Significant Development). The Department's assessment of the relevant development controls is provided in Table 15 below.

**Table 15 | Relevant GDCP Controls**

| Control                                | Objectives and controls   | Consideration and Comments  | Complies |
|--|---|---|----------|
| <b>Chapter 3: Places and character</b> |   |   |          |
| <b>3.2 City North</b>                  | <p>1. Promote health and education uses to support the creation of an innovation precinct.</p> <p>2. Connect the hospital to the city with improved active transport connections.</p> <p>3 Improve permeability and provide new pedestrian links across the rail corridor.</p> <p>4 Increase public open space, to provide green relief, connect with the surrounding bushland, and provide a sense of identity for the north.</p> <p>5 Provide a range of housing types to support a diverse and varied population, including key workers, students, young professionals and aged care</p> | <p>The site is located in north area adjacent to the Gosford Hospital.</p> <p>The application satisfies Objective 1 as the proposal supports health related uses that will support the growth of an innovation precinct.</p> <p>The proposal satisfies Objective 2 by providing a development in close proximity to services and the train station which intern creates options for active transport.</p> | Yes      |

| Control | Objectives and controls | Consideration and Comments | Complies |
|---------|-------------------------|----------------------------|----------|
|---------|-------------------------|----------------------------|----------|

#### Chapter4: Public Spaces

|  |  |  |   |
|--|--|--|---|
| 4.1 Pedestrian network   | <p>A Provide high pedestrian comfort for pedestrian amenity and safety.</p> <p>B Retain and enhance existing through site links.</p> <p>C Retain and develop lanes as useful and interesting pedestrian connections as well as for service access.</p>   | (1) Existing pedestrian footpaths along the Showground Road frontage will be upgraded and maintained.  | Yes                                     |
| 4.5 Footpath crossings and pedestrian overpasses and underpasses | <p><b>Objectives</b></p> <p>A. To make vehicular access to buildings more compatible with pedestrian movements.</p> <p>B. Reduce the impact of vehicular access on the public domain.</p> <p><b>Controls</b></p> <p>Location of Vehicular Access</p> <p>1. One vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.</p> <p>2. Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with major pedestrian activity.</p> <p>3. Where practicable, adjoining buildings are to share or amalgamate vehicle access points.</p> <p>4. Vehicle access may not be required or may be denied to some heritage buildings.</p> | <p><b>Controls</b></p> <p>Location of Vehicle Access</p> <p>1. One vehicle access point is located on the southern side of the site off of Showground Road which includes access for service vehicles.</p> <p>2. The site includes and can only include access to Showground Rd.</p> <p>3. The modified proposal does not propose to share/amalgamate vehicle access points, however the proposal only includes a single access point across a wide site frontage.</p> <p>4. The site is not heritage listed or within a heritage conservation area.</p> <p>5. the vehicle access is proposed to be a 6.1m wide combined ingress/egress driveway and is perpendicular to the kerb alignment and is a reduction on the width of the originally approved access which is considered to be an improvement in terms of this control.</p> | <p>Yes</p> <p>Considered acceptable</p> |

| Control | Objectives and controls  | Consideration and Comments   | Complies |
|---------|--|--|----------|
|         | <p><b>Design of vehicle access</b></p> <p>5. Wherever practicable, vehicle access is to be a single lane crossing with a maximum width of 2.7 metres over the footpath, and perpendicular to the kerb alignment. In exceptional circumstances, a double lane crossing with a maximum width of 5.4 metres may be permitted for safety reasons (refer to Figure 5).</p> <p>6. Vehicle access ramps parallel to the street frontage will not be permitted.</p> <p>7. Ensure vehicle entry points are integrated into building design.</p> <p>8. Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building facade.</p> <p>9. Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.</p> | <p>6. Vehicle access ramps are not proposed parallel to the street frontage.</p> <p>7. The vehicle entry point is considered to be integrated into the building design and the modified proposal is considered to exhibit design excellence.</p> <p>8. No doors are proposed within the building façade.</p> <p>9. The vehicle entry consists of high quality materials and finishes complementary to the primary façade of the development.</p> |          |

## Chapter 5: Built form

|  |   |       |
|--|---|-------|
| <b>5.1 Site size and design excellence</b> | <p>The site has more than a 36m frontage to the primary street (Showground Road) and is therefore classified as “Medium site” as the site is located in a B4 zone. The site was subject to a design excellence project with the City of Gosford Design Advisory Panel as discussed in <b>Section Error! Reference source not found.</b></p> | Noted |
|--|---|-------|

| Control  | Objectives and controls   | Consideration and Comments   | Complies |
|--|---|--|----------|
| 5.2 Built form provisions                      |   |  |          |
| <b>5.2.1 Street setbacks and rear setbacks</b> | <p>A - Provide for public amenity of the street including: – landscape and deep soil zones in appropriate locations, – to establish the desired spatial proportions of the street and define the street edge – to provide for high quality pedestrian amenity and activity.</p> <p>B - Enhance the setting and street address of the building.</p> <p>C - Provide front setbacks appropriate to building function and character, including entries and setbacks for ground floor apartments.</p> <p>D - Create a transition between public and private space.</p> <p>E - Maintain sun access to the public domain</p> | <p>The applicable front setback is required to be 3-4m from the front property boundary.</p> <p>The applicable street wall requirements are between 6m and 14m high.</p> <p>The proposal provides for a ground level (front) setback of approximately 1.4m - 3.9m from the front property boundary. The hydrant room and enclosed stair portion of the building is approximately 5.3m wide and is the only portion of the building that is below the minimum 3m setback requirement. The remainder of the 60m frontage is setback 3.9m and as such will comply. The minor non-compliance is considered acceptable and the proposal is considered to achieve design excellence and has appropriate front setbacks.</p> <p>The street wall height exceeds the 14m maximum by 4.4m. The height does not comply with figure 8 and control no. 1. The variation is considered at <b>Section Error!</b> Reference source not found..</p> <p>A 4.8m side setback is provided for the southern boundary from the ground to the third storey. A 4m setback to the rear boundary from the ground to the third storey is provided, and a 3m setback to the northern boundary is provided. The side and rear setbacks comply with the numerical controls</p> | Partial  |

| Control   | Objectives and controls   | Consideration and Comments   | Complies  |
|---|---|--|---|
|   |   | contained in section 5.2.1.  |   |
| <b>5.2.2 Street wall heights and upper podium</b>       | <p>A - Achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.</p> <p>B - Reinforce the intrinsic character and scale of existing and heritage buildings in Gosford City Centre whilst also enable flexibility in contemporary building design.</p> <p>C - Protect solar access to key streets and public spaces.</p> <p>D - Encourage a strong architectural expression.</p> <p>E - Provide for views of the hillsides from key locations.</p> <p>F - Achieve a consistent and strong building line where desirable for urban design and streetscape reasons.</p> | <p>Street wall height of 18.4m is proposed, which does not comply with the 6-14m requirement.</p> <p>From the first storey to the third storey the building is set back 5m from the front boundary. The upper floor (fourth storey) is set back 17.5m and is differentiated through material selection, colour and was subject to a design excellence process where the CoGDAP determined the proposal did not warrant further review or advice.</p> <p>Whilst not achieving full technical compliance, the modified proposal is considered to comply with the overarching objectives.</p> | <p>Considered acceptable – see Section Error! Reference source not found.</p> |
| <b>5.2.3 Active street frontages and street address</b> | <p>A - Ensure frontages are pedestrian oriented and of high quality design to add vitality to streets.</p> <p>B - Provide continuity of shops along streets and lanes within the City Centre and other identified locations.</p> <p>C - To promote pedestrian activity and the vibrancy of Gosford.</p> <p>D - To provide excellent pedestrian experience in the public domain.</p>   | <p>The subject site is not labelled as a ‘primary active frontage’ or an ‘active laneway’ on the relevant figure within GDCP 2018 and as such the development is not required to include active uses at ground floor.</p> <p>Notwithstanding the above, the proposal includes the provision of commercial/retail uses to the street, providing pedestrian interest and activation that is commensurate with the originally approved development.</p>   | <p>Yes</p>  |



| Control                                      | Objectives and controls  | Consideration and Comments  | Complies   |
|--|--|---|--|
|  | <p>E - To promote active and safe streets in the Gosford City Centre.</p> <p>F - To provide buildings with clear address and direct access to the street.</p> <p>G - To promote commercial and retail uses in Gosford.</p>   | <p>The proposed café includes an opening to the outdoor dining area that is accessible from the street: Direct pedestrian access is provided along from Showground Road.</p> <p>Vehicular access is provided on this frontage as the Department is satisfied that it is the only suitable location on the property for such access.</p> <p>Articulation, glazing and elements of visual interest are provided along the ground floor frontage.</p>  |  |
| <b>5.2.4 Building setback and separation</b> | <p>A - To provide good amenity for building occupants including daylight, outlook, visual privacy, acoustic amenity, ventilation, wind mitigation and view sharing.</p> <p>B - To achieve usable and pleasant streets and public domain areas.</p> <p>C - To maximise view corridors and maintain Gosford's character of visual openness with the surrounding landscape.</p> <p>D - Provide for the preferred building typology.</p> | <p>A 3m minimum side setback (street wall) is applicable to the development.</p> <p>A 6m minimum side setback (above street wall) is applicable to the development.</p> <p>The proposal has the following boundary setbacks:</p> <ul style="list-style-type: none"> <li>north = 3.05 m</li> <li>south = 3.5 – 4.5mm</li> <li>west = 4m</li> </ul> <p>Above the street wall height, all building façades are well articulated to be attractive with various articulation points to distinguish the front entry to the building and avoids the use of blank walls.</p> <p>Building setbacks and separation generally comply with Figure 8 in the DCP to maintain Gosford's character of visual openness and provide good amenity for building occupants including daylight, outlook, visual</p> | <p>Considered acceptable – see</p> <p><b>Section Error!</b></p> <p>Reference source not found.</p> |

| Control                           | Objectives and controls  | Consideration and Comments   | Complies  |
|-----------------------------------|--|--|---|
|                                   |  | <p>privacy, acoustic amenity, ventilation, wind mitigation and view sharing.</p> <p>Whilst not achieving full technical compliance, the modified proposal is considered to comply with the overarching objectives.</p>   |   |
| <b>5.2.6 Fine grain frontages</b> | <p>A - Ensure that development responds to the human scale.</p> <p>B - To provide a high quality and diverse retail environment for Gosford.</p> <p>C - To respond to the character and grain of existing buildings at street level (even when taller buildings are provided).</p> <p>D - Provide a variety of architectural character.</p> <p>E - Ensure that the scale, modulation and facade articulation of development responds to its context</p> <p>1. The maximum continuous street frontage length of an individual podium (below street wall height) is 40m. Where a podium form exceeds this length it will be visually broken into two or more podium forms. This is described in Figure 9. Each of these forms will:</p> <p>a. not exceed 40m in length with a preferred length of less than 30m.</p> <p>b. be separated from other podium forms by full height breaks of a minimum of 3m (note: separation requirements within the Apartment Design Guide will apply in addition</p> | <p>The proposal is broken up into forms of less than 40m in length at ground level.</p> <p>The first to fourth levels are greater than 40m in length. However, the built form is broken up by different architectural elements such as blades, aluminium batters, and flat cladding.</p> <p>The built form has an articulated single point of entry that is setback with the retail and commercial spaces located on the ground level.</p> | <p>Considered acceptable – see Section Error! Reference source not found.</p> |

| Control  | Objectives and controls   | Consideration and Comments   | Complies |
|--|---|--|----------|
|  | <p>to this where relevant). These breaks should extend to the top of the street wall however may not extend to ground level to ensure continuity of active frontages.</p> <p>c. be designed to relate to the pattern of vertical circulation cores where possible.</p> <p>d. have its own architectural character which establishes 'fine grain' (through massing, articulation, composition of building elements, material use and details for different building elements, etc.) so that the street block presents as a group of buildings rather than a single building.</p> |  |          |
| <b>5.2.8 Building sustainability and environmental performance for key sites, medium sites and large sites</b> | <p>A - To provide enhanced building sustainability and environmental performance controls for key sites in Chapter 6 of this DCP), or medium and large sites seeking to vary heights or floor space using clause 8.4(3) or 8.4 (4) GCC SEPP.</p> <p>B - To minimise energy use through passive building design and energy efficient systems.</p> <p>C - To minimise potable water use.</p> <p>D - To minimise waste and promote the reuse and recycling of materials.</p> <p>E - To promote thermal comfort through natural ventilation in residential developments.</p>        | <p>Controls relate to BASIX, NABERS, insulation &amp; green wall, passive design measures (glazing, natural ventilation and shading) and Water Efficiency Labelling Scheme (WELS).</p> <p>DA 22/11444 included a BASIX certificate, however the subject modification application deletes the approved housing components of the application and does not retain any existing or approved residences, or propose any new residences, upon the site. SEPP BASIX, and the NatHERS Certificates for the approved independent living units, are no longer relevant to the development. It is recommended that existing consent conditions relating to SEPP BASIX and the NatHERS certificates be deleted.</p> | Yes      |

| Control   | Objectives and controls  | Consideration and Comments   | Complies              |
|---|--|--|-----------------------|
|   | F - To promote passive cooling and air flow through innovative and renewable sources of heating and cooling.                 | The design of the proposed modified development is similar to the approved building, and the subject modification application does not propose change to consent conditions requiring minimum water efficiency.  |                       |
| <b>5.2.11 Internal Amenity</b>                      | A - To ensure high quality internal amenity for all uses in Gosford.   | <p>The proposed modifications alter the layouts of the ground- and upper-floors. Not all areas of the floors are within 10m of windows and therefore a source of daylight, however the proposed ground floor layout rationalises the shapes of internal spaces and reduces length from windows, and the upper floors are commensurate with the approved development.</p> <p>The modified proposal is no longer subject to the ADG and SEPP 65 as the ad the housing aspects of the proposal have been removed.</p>   | Considered acceptable |
| <b>5.2.12 Building services and the streetscape</b> | <p>A - To ensure a high quality streetscape.</p> <p>B - To minimise intrusion of building services on the public domain.</p> | <p>Control no. 1 requires ‘substations must be provided wholly within the subject site, either internal to the development or suitably located and integrated within the architectural or landscaping design.’</p> <p>DA22/11444 proposed a transformer at the front property boundary. The Department imposed consent condition B17 that requires the transformer to be set back at least 14m from the front property boundary.</p> <p>Reference to Ausgrid’s <i>NS113 Site Selection and Construction Design Requirements</i> notes the requirements</p> | Yes                   |

| Control                        | Objectives and controls  | Consideration and Comments  | Complies |
|--------------------------------|--|---|----------|
|                                |  | <p>for clear access free of any other building, structure or services excluding services directly related to the transformer.</p> <p>The modification application proposes to delete B17 to enable a transformer to be proposed at the frontage, located on the southern side of the site adjacent to the driveway.</p> <p>The transformer shown on the amended plans is much smaller than what had been shown on the DA22/11444 plans. The Department is satisfied that the transformer will sit within landscaping and will not unreasonably present to the public domain. It is recommended that B17 be deleted.</p> <p>The ground floor includes integrated service areas such as fire pump room, transformer, ambulance bays and refuse room. Building services do not intrude on the public domain.</p> |          |
| <b>5.2.13 Landscape Design</b> | <p>A - To ensure that the use of potable water for landscaping irrigation is minimised.</p> <p>B - To ensure landscaping is integrated into the design of development.</p> <p>C - To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities.</p> <p>D - To improve storm water quality and control run-off.</p> | <p>Amended landscape plans are provided which are integrated into the overall design which includes a planting schedule, existing tree onsite, details of landscaping elements and maintenance requirements. There are no significant trees on or in the vicinity of the site.</p>  | Yes      |

| Control                                      | Objectives and controls  | Consideration and Comments   | Complies                     |
|--|--|--|------------------------------|
|  | <p>E - To improve the micro-climate and solar performance within the development.</p> <p>F - To improve urban air quality and contribute to biodiversity.</p>  |  |                              |
| <b>5.2.14 Site cover and deep soil zones</b> | <p>A - To provide an area on sites that enables soft landscaping and deep soil planting, permitting the retention and/or planting of trees that will grow to a large or medium size.</p> <p>B - To limit building bulk on a site and improve the amenity of developments, allowing for good daylight access, ventilation, and improved visual privacy.</p> <p>C - To provide passive and active recreational opportunities</p> | <p>The approved development exceeds the 75% maximum site coverage and does not include any deep soil area, however the approved development includes a number of deep planter boxes along the southern boundary, street frontage, and on the roof top that are capable of supporting medium mature trees and shrubs. The Department recommended conditions that require soil volume, depth and area that meets the standards for deep soil zones under Part 3E of the ADG. The Department considered that, with the appropriate care and conditions for maintenance, the deep planter areas will provide a suitable setting for the development.</p> <p>The proposed modifications delete the planter boxes to the northern side and western rear of the ground floor of the building, however the Department is satisfied that the proposal maintains an adequate setting for the building subject to maintaining conditions guided by the ADG concerning planter design, notwithstanding that the proposal deletes the approved accommodation.</p> | Yes – resolved via condition |
| <b>5.2.16 Safety and Security</b>            | <p>A - To ensure developments are safe and secure for pedestrians.</p>   | <p>The amended proposal incorporates Crime Prevention through Environmental Design principles by</p>   | Yes                          |



| Control                                  | Objectives and controls  | Consideration and Comments  | Complies |
|--|--|---|----------|
|  | <p>B - Reduce opportunities for crime through environmental design.</p> <p>C - To contribute to the safety of the public domain.</p> <p>D - Encourage a sense of ownership over public and communal open spaces.</p>   | <p>increasing activation and passive surveillance along Showground Road.</p> <p>The entry lobby provides a strong visual connection with the street.</p> <p>The proposal has been designed to integrate within the character of the surrounding developments and has achieved design excellence through the CoGDAP.</p> <p>Communal open space has been provided that overlooks the street.</p> <p>Building facades incorporate a mix of suitable materials to add visual interest and will be constructed with high quality and durability.</p>  |          |
| <b>5.2.17<br/>Building<br/>Exteriors</b> | <p>A - Contribute positively to the streetscape and public domain by means of high quality architecture and robust selection of materials and finishes,</p> <p>B - Provide richness of detail and architectural interest especially at visually prominent parts of buildings such as lower levels and roof tops,</p> <p>C - Present appropriate design responses to nearby development that complement the streetscape,</p> <p>D - Clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security,</p> <p>E - Maintain a pedestrian scale in the articulation and detailing of the lower levels of the building, and</p> | <p>A Design Comparison Report and Design Excellence Statement have been prepared by TVS Architects in support of the proposed amendments.</p> <p>The Report and Statement analyse Gosford Health District and greater Gosford Context and, consequently, the modification proposal includes appropriate architectural styles and materials and avoids significant expanses of any single material.</p> <p>The proposal deletes an approved above-ground level and is appropriately designed in response to nearby development and will complement the streetscape and contribute to a visually interesting skyline.</p> <p>The façade includes a mix of elements vertically and horizontally.</p> | Yes      |

| Control | Objectives and controls                          | Consideration and Comments  | Complies |
|---------|--|---|----------|
|         | F - Contribute to a visually interesting skyline | The Department is satisfied that the design of the roof plant enclosure integrated into the building design and will be unobtrusive to the public domain. |          |

## Chapter 7: Access and Parking

|  |   |  |     |
|--|---|--|-----|
| <b>7.2 Pedestrian Access and Mobility</b>            | <p>A - To provide safe and easy access to buildings to enable better use and enjoyment by people regardless of age and physical condition, whilst also contributing to the vitality and vibrancy of the public domain.</p> <p>B - To ensure buildings and places are accessible to people with a disability.</p> <p>C - To provide a safe and accessible public domain.</p> | <p>Building entry is clearly visible, offering direct pedestrian access off the primary street frontage. The entry lobby width has been increased and building entry reconfigured to provide a stronger visual connection with the street.</p> <p>A continuous path of travel to the main entrance and building lobby/lift area is available off the footpath.</p> <p>Facilities for disabled persons will comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the <i>Disability Discrimination Act 1992</i> (as amended).</p> <p>Facilities have been designed in accordance with the relevant Australian Standards.</p> | Yes |
| <b>7.3 Vehicular Driveways and Manoeuvring Areas</b> | <p>A - To minimise the impact of vehicle access points on the quality of the public domain.</p> <p>B - To minimise impact of driveway crossovers on pedestrian safety and streetscape amenity.</p> <p>C - Minimise storm water runoff from uncovered driveways and parking areas.</p>   | <p>The site only has frontage to Showground Road so it is not possible to provide driveway access from a secondary street.</p> <p>The proposed driveway is located at the lower end of the Showground Road frontage close to the south eastern corner of the site, away from the existing pedestrian crossing, but sufficiently far enough away from the southern boundary (4.8m).</p>   | Yes |

| Control                                 | Objectives and controls  | Consideration and Comments  | Complies              |
|---|--|---|-----------------------|
|   |  | There are sufficient manoeuvring areas within the site to enable vehicles to enter and exit in a forward direction.   |                       |
| <b>7.4 On-Site Parking</b>              | <p>A - To facilitate an appropriate level of on-site parking provision in the city centre to cater for a mix of development types.</p> <p>B - To minimise the visual impact of on-site parking.</p> <p>C - To provide adequate space for parking and manoeuvring of vehicles (including service vehicles and bicycles).</p> <p>D - To promote Gosford City Centre as a more lively and vibrant place by providing parking incentives for certain developments in the city centre.</p> <p>E - To encourage economic growth in the city centre.</p> <p>F - To enable the conversion of above ground parking to other future uses.</p> <p>G - To recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking.</p> | <p>Commercial and retail – 1 space per 75m<sup>2</sup></p> <p>Medical Centre - 3 spaces/surgery or consulting room, plus 1 space for each professional practitioner and other staff present at any one time</p> <p>162 basement parking spaces are proposed including 4 accessible spaces and 2 van spaces along with motorcycle and bicycle parking.</p> <p>Refer to Section 6.2 having regard to assessment of parking matters.</p> <p>Overall, it is considered that adequate parking is provided taking into account the location of the proposed development in close proximity to Gosford Station and local bus routes, and the proposed mix of uses within the building which is comparable to other similar CHP Developments.</p> | Considered acceptable |
| <b>7.5 Site Facilities and Services</b> | <p>A - To ensure that site facilities (such as clothes drying areas, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units and communication structures) are</p>  | <p>Waste handling and storage will be located on site within an allocated storage area, A Waste management Report has been provided with the application. Waste storage facilities will be well lit, easily accessible and located on a suitable grade.</p>   | Yes                   |

| Control | Objectives and controls  | Consideration and Comments  | Complies |
|---------|--|---|----------|
|         | <p>effectively integrated into the development and are unobtrusive.</p> <p>B - To ensure that site services and facilities are adequate for the nature and quantum of development.</p> <p>C - To establish appropriate access and location requirements for servicing.</p> <p>D - To ensure service requirements do not have adverse amenity impacts</p> | <p>The waste storage areas are designed to be located behind the building setback and façade. Vehicle Swept Paths are compliant.</p> <p>The driveway provides MRV spaces centrally within the site for service and delivery vehicles to park, load and unload.</p> <p>All service doors and loading docks are screened from the street.</p> |          |

## Chapter 8: Environmental Management

|   |   |  |     |
|---|---|--|-----|
| <b>8.2 Energy Efficiency and Conservation</b> | <p>A - To reduce the necessity for mechanical heating and cooling.</p> <p>B - To minimise greenhouse gas emissions.</p> <p>C - To use natural climatic advantages of the coastal location such as cooling summer breezes, and exposure to unobstructed winter sun.</p>  | <p>Suitable conditions will be retained to ensure the development complies with the Building Code of Australia energy efficiency provisions</p>  | Yes |
| <b>8.3 Water Conservation</b>                 | <p>A To reduce per-capita mains consumption of potable water.</p> <p>B To harvest rainwater for use and reduce urban storm water runoff.</p> <p>C To reduce wastewater discharge.</p> <p>D To reuse wastewater where appropriate.</p> <p>E To safeguard the environment by improving the quality of water run-off and to mimic pre-development flows where appropriate.</p> | <p>Where appropriate, the development will incorporate initiatives to reduce wastewater discharge and reuse wastewater.</p> <p>Compliance will be achieved with building specifications at Construction Certificate stage.</p> | Yes |

| Control                        | Objectives and controls  | Consideration and Comments   | Complies |
|--------------------------------|--|--|----------|
|                                | <p>F To ensure infrastructure design is complimentary to current and future water use.</p> <p>G To protect public health</p>   |  |          |
| <b>8.4 Reflectivity</b>        | A - To restrict the reflection of sunlight from buildings to surrounding areas and buildings.  | Materials and finishes are considered to suit local conditions, achieve greater energy efficiency and reduce reflectivity.   | Yes      |
| <b>8.6 Waste and Recycling</b> | <p>A - To minimise waste generation and disposal to landfill with careful source separation, reuse and recycling.</p> <p>B - To minimise the generation of waste through design, material selection, building and best waste management practices.</p> <p>C - To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development as well as the ongoing generation of waste.</p> <p>D - To ensure efficient storage and collection of waste and quality design of facilities.</p> | A Waste Management Plan was provided with the application. A suitable location of the waste storage area is provided on-site at ground level that is out of site from street view.   | Yes      |
| <b>8.7 Noise and Vibration</b> | A - To ensure development is designed so noise and vibration from new businesses, light industrial and leisure/cultural/entertainment venues and other noise generating activities do not unacceptably affect the amenity of nearby residential and other noise or vibration sensitive uses.   | An acoustic report prepared by RCA Australia was prepared in support of the original development. The report considers transport noise from Showground Road and the rail line, as well as nearby rooftop mechanical plant and the Gosford Hospital car park, and, to achieve noise reductions, recommends measures to the facades of the proposed building in accordance | Yes      |

| Control | Objectives and controls  | Consideration and Comments  | Complies |
|---------|--|---|----------|
|         | B - To ensure development is designed and constructed so that noise and vibration impacts from existing neighbouring activities do not unreasonably compromise the amenity of occupants of the proposed development. C - To ensure noise and vibration impacts between different uses and occupancies within a development provide reasonable amenity to all occupants of the development. | with the noise treatment construction categories set out in Appendix C of the Department of Planning document <i>Development Near Rail Corridors and Busy Roads - Interim Guidelines</i> .<br><br>Compliance will be achieved with building specifications at Construction Certificate stage. |          |

## Appendix E – Recommended instrument of modification

The recommended instrument of modification can be found here:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/integrated-health-hub-and-accommodation-60-64-showground-road-gosford-da-2211444-mod-1>